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THE
RISE AND PROGRESS
OF THE
ENGLISH COMMONWEALTH.

ANGLO-SAXON PERIOD.

CONTAINING
THE ANGLO-SAXON POLICY, AND THE INSTITUTIONS ARISING OUT
OF LAWS AND USAGES WHICH PREVAILED
BEFORE THE CONQUEST.

BY
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PART II.

PROOFS AND ILLUSTRATIONS.

"By *Commonwealth* I must be understood all along to mean, not a Democracy, or any form of Government, but any independent community, which the Latins signified by the word *Civitas*, to which the word which best answers in our language is *Commonwealth*, and most properly expresses such a Society of Men, which Community or City in English does not, for there may be subordinate Communities in a Government; and City amongst us has quite a different notion from *Commonwealth*: and, therefore, to avoid ambiguity, I crave leave to use the word *Commonwealth* in that sense in which I find it used by King James the First, and I take it to be its genuine signification; which, if any body dislike, I consent with him to change it for a better."—LOCKE, on Government.

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ERRATA AND CORRECTIONS.

- Page xviii (foot notes, line 6,) for " forty," read " forty-five."
- xcix (foot notes, line 6,) for " tinge of the Langue d'oil," read " tinge of the Langue d'oc united to the Langue d'oil."
- ccxxii, line 8, for " confirmavi," read " confirmavi."
- ccxxii, line 33, for " grants three hydes of land to his Thane Eadric for three lives, formerly held as *Lehn* land, or as a Benefice or Feud," read " renews the grants of three hydes of land to his Thane Eadric, to be held as a Lehn, Benefice, or Feud, for three lives."
- ccxxiii, for " ÆLFRICI," read " † ÆLFRICI."
- ccxxviii, line 5, for " investitute," read " investiture."
- cccxlv, line 7, for " presented," read " prescribed."

PROOFS AND ILLUSTRATIONS.

PROCEEDINGS BEFORE THE KING, &c.

THE administration of justice by the Sovereign in person is so completely out of the pale of our ordinary legal history, that it becomes important to present the reader with some of the authorities affording evidence of the manner in which, during the early era of the Anglo-Norman Monarchy, the King exercised the prerogatives, of issuing at his will and pleasure the process which ran in his name, and also of presiding in his own tribunal. The rolls of the "Curia Regis" have been preserved from the reign of Richard Cœur de Lion, and these are probably the earliest which ever existed. Glanville never employs any expressions which can lead us to suppose that, in his time, the transactions of the supreme tribunal were reduced into writing, so as to form what we now call a record, that term being then exclusively applied to verbal testimony; whilst Bracton, on the contrary, makes frequent quotations from the written pleadings. The absence, however, of those muniments in the reign of Henry II. is in some measure supplied by the accounts of suits and actions found in the Monastic Chronicles; and, even in the period which is elucidated by the regular memorials of the Courts, these narrations often afford the most curious comments upon the authentic muniment. The story of the

(See Chap. ix. &c.)

(See p. 145.)

lawsuit may be incorrect in its statements and partial in its colouring, but the tale places us in the situation of the parties themselves. In the precise technicality of the record, we discover no traces of the angry passions which were excited by the strife. The calm phraseology of the law, whether announcing weal or woe, is neither varied in tenor nor changed in tone. Still less, when we consider the regular course of the process—the entries of the writ, the return, the declaration, the issue, the judgment, can we see the nod which quickened the pen of the acute Prothonotary, or hear the sweet, soft whisper, prompting the solemn decision delivered from the seat of justice. All these concealed springs of action are disclosed by the narrator, who, when he filled the fair and glossy vellum of the ponderous volume which was to be kept under the triple keys of the superiors of the House, was little aware that the “*Secretum Abbatis*,” as such a register was oftentimes called, would ultimately become the means of imparting all his confidences to posterity.

Suit between Hilary, Bishop of Chichester, and Walter, Abbot of Battle, concerning the exemption of the Abbey from Episcopal Jurisdiction. (No. I.)

The long contested plea between the Bishop of Chichester and the Abbot of Battle, arose out of the privileges conferred by the Conqueror upon the Monastery, which was to be at once the lasting monument of his victory, and the supposed atonement for the bloodshed which had been occasioned by the assertion of his claim.

King Willyam bythogte him eke of the volk that was verlore
And slaine eke throw him, in bataile by vore,
There as the batayle was, an Abbey he let rere
Of Seyn Martin vor her soules that there a slawe were
And the monkes wel ynou, feffede without fayle
That ys ycleeped in Englelond, Abbey of the Batayle.

The territory for one league around the site of the Church, thus founded under the advocacy of St. Martin, was granted to the Monks with all the King's rights and prerogatives, as free as he held the same, quit of “Geld and Scot,” and Danegeld,

of Brigbote, Burghbote, and Fyrdwite; of suits to Shires and Hundreds; and with Sac and Soc and Toll and Theam, and all the powers by which territorial jurisdiction was exercised. And furthermore, in the plenary exercise of his royal authority, William declared that the Church of St. Martin of Battle was to be freed and exempted from all episcopal jurisdiction, in as ample a manner as the church of Canterbury. The charter¹ by which these rights were imparted, is attested by the Primates of Canterbury and York, and several other Prelates, Earls, and Barons. Stigand, however, the Bishop of the South Saxons, in whose diocese the Abbey was locally situated, does not appear as an assenting party; and the subsequent transactions shew that he then objected to the grant. Gausbert was brought from Marmoustier to be the head of the colony of Norman ecclesiastics, by which the new foundation was to be peopled; and when he sought consecration from the Prelate, the latter refused to officiate unless the Abbot-elect repaired to Chichester to receive the benediction: but the Norman appealed to his Sovereign, who forthwith ordained that the Bishop should perform the ceremony in the monastery, and the benediction was given to him by Stigand, before the altar of St. Martin. To remove all pretence of episcopal jurisdiction, William also ordered that the Bishop and his train should neither lodge in the monastery nor take a meal there. And to the end that, in aftertimes, the exemption might be placed beyond all doubt, William issued a writ² addressed to Lanfranc, Archbishop of Canterbury, and to Stigand, declaring, or rather enacting, that all future Abbots should be consecrated at Battle, like Gausbert,

Exemptions contained in the foundation Charter.

Battle Abbey — filled with Monks from Marmoustier — over whom Gausbert was appointed the first Abbot.

Stigand insists that Gausbert shall repair to Chichester to receive consecration—Gausbert appeals with success to William, who confirms the exemptions of the Abbey.

¹ Liber de Situ ecclesiæ de Bello et de possessionibus sibi a Rege Willielmo et aliis quibuslibet datis. Bib. Cott. Domit. A. 11. fol. 23. Monasticon, vol. iii. p. 234. This valuable Manuscript, from which the subsequent extracts are taken, appears to have been compiled before the close of the reign of Hen. II.

² Monasticon, v. iii. p. 244. One of the original foundation charters, a magnificent and perfect specimen of ancient calligraphy, is now in the British Museum. Cart. Ant. Harl., No. 83. A. 12.

and repeating and enforcing the clause that the church should be discharged from any ecclesiastical subjection, whether to the parent Abbey of Marmoustier, or to any other person whomsoever; and that as completely as Christ Church Canterbury, or as the Chapel Royal of the King.

Exemptions from the jurisdiction of the Ordinary seem hitherto to have been very rare, if not entirely unknown in England, or at least no grant can be produced which is free from suspicion, or which has not been the subject of contest; and as the Norman prelates used every endeavour to retain all the rights which had been enjoyed under the Anglo-Saxon Constitution, the privileges granted to Battle Abbey, to the detriment of the Diocesan, must have been viewed with discontent and jealousy. Therefore, when Hilary, a learned and active Prelate, had succeeded to the see in the reign of Stephen, he endeavoured to enforce his Episcopal authority by summoning the Abbot, Walter de Lucy³, to a synod at Chichester, and exacting hospitation in the Abbey, and in the Manor-houses which were situated upon its demesnes; and in addition to these tokens of supremacy, he insisted, notwithstanding the declarations of the Charters, that the Abbots of Battle should seek their consecration at his Cathedral. In these proceedings he was sanctioned by the joint authority of Pope Eugenius, and of Theobald, Archbishop of Canterbury; but his antagonist, a man of equal energy, was strong in the support which he received from his brother, Richard de Lucy, a powerful Baron who afterwards filled the office of Justiciar⁴, and who appears to have been already distinguished for his eloquence and knowledge of the law. Bishop Hilary pronounced a sentence of suspension against the contumacious Abbot, who forthwith appealed to the Royal authority. Stephen

1148.

Hilary, Bishop of Chichester, a Prelate of great learning (v. p. xiii. note 15), attempts to exercise Episcopal jurisdiction over the Abbot...

..... who appeals to King Stephen.

³ Installed 1139. Died 1171. Upon his death the custody of the Abbey was committed, during four years, to Richard de Lucy, his brother.

⁴ See p. x. note.

immediately inhibited the Bishop from troubling the "Chapel of St. Martin," which, as the King's Royal Chapel, was to be freed from all exactions and oppressions; and he summoned both parties to appear before him at London, in order that, in the presence and with the counsel of his Bishops and his Barons, an end might be put to these dissensions. At the appointed day the Bishop did not attend, but the cause proceeded. Stephen caused the Charters to be read before him; and having been advised on the subject, he decreed that, according to the tenor of the grants, the Church of Battle was to be freed from all Episcopal subjection whatever.

Stephen orders the Charters to be read before him, and decrees in favour of the Abbot.

Upon the death of Stephen, the litigation was renewed and continued, until brought to an amicable settlement by the authority of his successor. The proceedings themselves are the best commentary upon the principles of constitutional jurisprudence which then prevailed: an observation which equally applies to the histories of the renewal of the Abbey Charters,—of the disputes relating to the rights of Dengey-marsh,—and of the suit which Abbot Walter prosecuted with so much success against Gilbert de Bailliol.

Narratives of the renewal of the Abbatial Charters (No. II.) of the disputes with the men of Romney (No. III.) and with Gilbert de Bailliol—(No. IV.)

Many additions could have been made to these monastic narratives, but I have omitted them, in order to afford space for a document, which, as far as I am aware, is without a parallel, it being the only instance in which a layman is found detailing any portion of his own adventures or history. Richard de Anesty, the hero as well as the author of this most singular narrative, of which the original autograph is preserved in the repository in which Domesday is treasured, has afforded us so complete a development of the manner in which a Plaintiff was compelled to "follow his suit in person," that no language, except his own, could afford any adequate idea of the spirit and practice of our ancient judicature. The cause of the litigation is, however, obscurely told, and we might have been still ignorant

Richard de Anesty—narrative of his suit brought against Mabel de Francheville for the land of "William my Uncle"—i. e. William de Sackville (No. V.)

of the circumstances under which he was enabled to recover the land of "William my Uncle," but for the preservation of a report addressed to Pope Alexander III., and inserted amongst the epistles of the celebrated John of Salisbury, who probably prepared the document for the use of the Judges-delegate, to whom the cause had been referred: it appears to have been the custom to apply to such learned "Clerks" when any official document of importance was required; and from this despatch we can collect the main facts upon which the case arose, and the legal principles which it involved.

The individual whom Richard de Anesty designates as "William my Uncle," was William de Sackville⁵, his sister

⁵.... Cum itaque jam dictus *Richardus*, cognatus *Willielmi de Saccavilla* et nepos, sicut *sororis filium*, vulgus nepotem dicere consuevit, petitionem hæreditatis ad bona Avunculi obtinenda instituerat, memorata *Mabilia* filia *Willielmi*, se illi in foro secularium judicium, ubi res actitabatur, opposuit; asserens filiam, nepoti in paternâ hæreditate, præferendam.... *Richardus* verò, ei nihil juris hereditarii competere respondit; eo quod non esset ex legitimo suscepta matrimonio, sed adulterino procreata complexu.... ut autem liquidius causam suam astrueret, et adversariam spuriam esse doceret, Avunculum suum *Willielmum*, cum quadam *Abbenda* (*Albreda*) de *Tregoz* matrimonium contraxisse asseruit, et exinde, illâ contra fidem conjugii derelictâ, duxisse *Adeletiam* filiam *Aufridi* Vicecomitis. (Joh. Sarisb. Ep. 89.)

The statement of John of Salisbury is so clear, that we cannot doubt but that it is a correct report of the relationship which existed between the litigant parties; yet we cannot ascertain the situation which *William* ought to hold in the genealogy of the noble family of Sackville, the descent whereof has been thus [erroneously?] deduced by Collins, Morant, and Edmondson, who follow an ancient pedigree in the College of Arms:—



* All infants, at the time of the death of their father, and in ward to Hen. I.

being the mother of the Claimant. William de Sackville had given a promise of marriage to Albreda de Tregoz, but, in violation of this engagement, he contracted a marriage with Adeliza, the daughter of the "Vice-comes Aufred," by whom he had issue, but Mabel de Francavilla appears to have been the sole survivor. Albreda, thus abandoned, instituted proceedings in the ordinary ecclesiastical court; and as, in consequence of the influence of her husband, she was unable to prosecute her suit with effect, she appealed afterwards, as it was alleged by Richard de Anesty, to the authority of Henry of Blois, Bishop of Winchester, the nephew of Henry I. and brother of Stephen, then Papal Legate in England. The Bishop obtained a rescript from Pope Innocent, in which the Holy Father, upon a statement of the case, declared that the espousals

It is unnecessary to observe that Richard de Anesty could not have been the husband of one of the three co-heiresses of the person whose lands he claims in the character of nephew, and in default of lawful issue; nor is it probable that, under the circumstances of the case, he could be the grandson of Herbrand; yet it is certain that he did marry a daughter of a William de Sackville, for the entry upon the rolls of the 28 Hen. III., quoted by Morant, bears the appearance of authenticity.

Radulphus Gernon profert cartam donationis Willielmi de Saucavilla pro terris datis per eundem Willielmum, Agneti et Hodiernæ filiabus suis; et dicit quod ista Agnes nupta fuit quidam *Ricardo de Anesty*, qui habuit exitum Herbertum de Anesty, qui vixit tempore Regis Johannis et procreavit Nicholaum de Anesty patrem Dionisiæ, quæ nupta fuit cum tota hæreditate Willielmo de Montecaniso. Et quod Hodierna soror ejusdem Agnetis fuit mater Radulphi Gernon qui vixit temp. Ric. I. (Plac. de Banco 28 Hen. III.) Et in registro Abbatiae de Colecestria annotatur quod Willielmus de Saukavill filius et hæres *R.* concessit prædictis Agneti et Hodiernæ filiabus suis terras vocatas Talbots et Brinsic in parochia de Bruers ad montem, quæ postea concessa fuerunt monachis ibidem. Et Jordanus Saucavilla filius et hæres confirmavit eas Abbatiae.—MORANT'S Essex, ii. 224.

It will be observed, however, that the Book of Colchester (probably one of the Registers mentioned by Tanner to be in the possession of the Earl of Kent) describes William as the son of *R.* de Sackville, and the father of Jordan, and that neither on the roll nor in the register is it mentioned that his wife's name was Albreda, or that Beatrice de Glanville was his daughter. We can, therefore, only arrive at the conclusion, that three Sackvilles, each named William, have probably been united into one individual by the compilers of the pedigree. Adeliza cannot be identified, though there are some reasons for supposing that her father belonged to the family of de Vere.

between William de Sackville and Albreda, having been contracted "*per verba de præsenti*," the second marriage with Adeliza was illegal. Pursuant to this opinion, a sentence of nullity was pronounced in the Synod held at London⁶ before Henry of Blois; and William de Sackville, obedient to the decree, returned to Albreda, with whom he continued to cohabit until his dying day.

Statement of Mabel de
Francheville.

This, it will be recollected, is the statement of Richard de Anesty. But it was contradicted in its most material points by the advocates of Mabel⁷; and in fact, upon the death of her father, she entered upon the land. Richard de Anesty was therefore compelled to bring his writ against his adversaries, meaning Mabel and her husband, in the King's court, to which they pleaded, that the daughter was to be preferred before the nephew in the succession to the inheritance. Anesty replied, that Mabel, as the spurious issue of an adulterous marriage, was not the heir of her father. And the King's Court therefore ordered, that a question depending upon the canon law, "*known to the clergy, but unknown to the laity*," should be decided by the ecclesiastical tribunal. The narrative, from this period, is very clear; and it is sufficient to observe that the suit was carried on with as much regularity, and, we must add, with as little expedition, as it could have done, if, instead of killing six horses in the pursuit of justice, the parties had tarried within the tranquil quadrangles of Doctors Commons. The justice of the ultimate decision is doubtful, and is perhaps to be ascribed, in some degree, to the judicious application of the money taken "*upon use*" from Vives and Hakelot and their brethren. Besides which, it is evident that Richard Anesty was

Probably either in 1141 or 1143. Councils were held at London in these years, and in which Henry of Blois presided.—*Concilia*, vol. i. pp. 419—421. He seems to have been appointed legate about 1139.

⁷ See p. xx, note 24.

in the midst of his own powerful connections and Peers, and that the principal persons by whom the suit was to be decided were all more or less in his interest, and naturally favourable to his cause. The question of pre-contract is one upon which discordant opinions have been given by the Canonists; and even if the dissolution of the marriage with Adeliza may have been justified, it is doubtful whether the arguments urged on the part of Mabel against her consequent illegitimacy, were not sufficient to protect her rights, according to the law as it was then practised and expounded.

These are the costs and charges which I, Richard de Anesty⁸, bestowed in recovering the land of William, my Uncle, to wit— In the first place, I sent a certain man of mine own into Normandy, for the King's writ, whereby I impleaded my adversaries, and he spent half a mark in that journey. And when my messenger brought me the writ, as soon as I received the writ, I proceeded to Sarum with the same, in order that it might be returned under the Queen's seal; and in that journey I spent two marks of silver. And when I came back, I heard that Ralph Brito⁹ was about to cross the water: so I followed

Translation of Richard
de Anesty's Narrative.

1156.

* The family of Anstey, Anesty, or Hanesty, is said to have derived its name from Ansty in Hertfordshire. Richard de Anesty appears as a witness to the confirmation of the grant of Stamford and Ongar to Richard de Lucy (p. xi.) The witnesses to the ancient charters were almost always the suitors or "Peers" of the Baronial court. He was then probably a tenant of the honour of Boulogne, if not of Richard de Lucy himself (v. p. xi. note 12). Hubert his son, in 1199, paid his relief for ten knight's-fees in Essex and Hertfordshire, amongst which were the lordships of Great Braxtead, Thorington, and Redgewell (Essex), the latter being held of the honour of Boulogne. (Morant, vol. i. p. 450; vol. ii. pp. 137—341.) In Anesty, Horsmede, Berksdon, and Bracking (Hertfordshire), and Nutfield (Surrey), Hubert held three other knight's-fees of the same honour, all of which descended to him from his father. Nicholas, the son of Hubert, died without male issue, leaving a daughter, Dyonia, married to William de Montecaniso, in whose descendants the Anesty domains became vested.

⁹ Radulphus Brito accounted, 16 Hen. II. and subsequent years, for the issues of the Honour of Boulogne, then in the King's hands. (Magn. Rot. 16 Hen. II.; Mad.

him to Southampton, for the sake of speaking to him, in order that he might purchase for me the King's writ¹⁰, addressed to the Archbishop¹¹, because I knew that the plea would be removed into the Archbishop's court; and in that journey I spent twenty-two shillings and seven pence, and I lost a palfrey which I had bought for fifteen shillings. And having returned from thence with the Queen's writ, I went to Ongar, and delivered the writ to Richard de Luci¹², who, having seen and heard the same, gave me

Baronia Angl. p. 63; Exch. 180—203.) He was also Custos of the lands of Henry de Essex, 29 Hen. II., and in the same year he paid an instalment of a fine by which he compounded for his quietus. (Mad. Exch. 691.) He was probably a tenant of the Honour of Boulogne, who had been appointed to act as the King's receiver or bailiff. The manor of Chigwell, in Essex, was granted by Richard de Lucy to this Ralph Brito, to be held of him by the service of one knight's-fee; and the same manor was afterwards confirmed to Robert, the son of Ralph Brito, by Richard de Lucy, but to be held of Willielmus de Goldington. (Mad. Form. Ang., Nos. 75, 79, and 288.) Ralph Brito also held one knight's-fee in Essex of Robertus de Helmar, (Lib. Nig., p. 240.) and about 23 Hen. II. he was one of the Justices Itinerant for the Counties of Essex and Hertford. (Mad. Exch. 90.)

¹⁰ This is not the exact case in which the King's writ is required to be addressed to the Archbishop by the Constitutions of Clarendon (c. 8); but the resort to the royal authority is quite in conformity to the spirit of the law:—*De appellationibus si emerint, ab Archidiacono debent procedere ad Episcopum, ab Episcopo ad Archiepiscopum, et si Archiepiscopus defuerit in justitiâ exhibendâ, ad Dominum Regem est perveniendum postero, ut præcepto ipsius, in curiâ Archiepiscopi, controversia terminetur, et quod non debet ulterius procedere absque assensu Regis.*

¹¹ Theobald of Bec, who died 1160, and was succeeded by Thomas à Becket.

¹² About this time Richard de Lucy was acting, together with Robert de Bellomonte Earl of Leicester, as one of the Justiciars of England. From the custody of the seal being entrusted to the Queen, it seems that she was also one of the Regents. De Lucy filled the office of Sheriff of Essex, in which the Sackville barony was situated, besides being the *Peer* of Richard de Anesty, in their capacities of tenants of the honour of Boulogne, or the great barony antiently belonging to Eustace, Earl of Boulogne, which afterwards became vested in William, Earl of Mortaigne and Boulogne, the third son of King Stephen. Ongar, where Richard de Lucy built his castle, was granted or confirmed to him by the Earl; Henry II. afterwards added the Hundred of Ongar to the grant of the Lordship; and from William, Earl of Gloucester, De Lucy obtained the Lordship of Greenstead. The charters of donation are extremely curious in themselves, and also throw much light upon the relative situations of the persons named therein, and I have therefore subjoined them:—

W. Comes

a day for pleading at Northampton, on the eve of St. Andrew ; and within that term I sent Nicholas, my " Clerk," for Geoffrey

29 Nov. 1158.

W. Comes GLOWERNIÆ omnibus hominibus suis amicis, Francis et Anglis, tam præsentibus quam futuris, Salutem. Sciatis me dedisse et concessisse, et hâc præsentî Cartâ meâ confirmasse *Ricardo de Luci*, pro servitio et homagio suo, totam villam meam de *Grenestede* cum omnibus pertinentiis suis ; et servitium *Ricardi de Marci* quod mihi debebat de quatuor militibus ; et servitium *Radulphi de Marci* quod mihi debebat de duobus militibus ; et servitium *Mauricii de Toheham* quod mihi debebat de tribus militibus ; et servitium *Manseri de Sancto Martino* quod mihi debebat de uno milite et quartæ partis unius militis : cum omnibus rebus quæ ad me inde pertinebant, in feodo et hæreditate, sibi et hæredibus suis. Ad tenendum de me et hæredibus meis, faciendo inde mihi et hæredibus meis servitium decem militum pro omni servitio. Et pro ista donatione et concessione homo meus devenit, et de recognitione dedit mihi unum annulum aureum, et Domine uxori meæ alterum annulum aureum. Testibus, *Oston* [?] de *Sancto Audemaro*, *Ricardo de Cordi*, tunc Senescallo, *Alexandro de Monteforti*, *Simone de Sancto Laudo*, *Willielmo de Clifden*, *Rogero de Willers*, *Roberto fil. Greg. Henrico Crasso*, *Alexandro de Ticheseia*, *Willielmo Dabernun*, *Godefrido de Luci*, *Willielmo Croc*, *Widone de Rocca*, *Reginaldo de Luci*, *Rogero fil. Reinfredi*, *Willielmo de Picheni*, *Willielmo filio Simonis*. (Cartæ Antiquæ, I, I. No. 9.)

Comes W. filius Regis STEPHANI omnibus hominibus suis dilectis et fidelibus, Francis, Anglis, et nominatim omnibus qui sunt et qui futuri de Honore Comitis *Eustachii*, Salutem. Sciatis me concessisse et reddidisse *Ricardo de Luci*, *Stanford* ; et *Angre* quæ est membrum de *Stanford* ; et *Reyng*, præter hoc quod pertinet ad Ecclesiam Sancti *Bartholomæi* ; et *Cristeshal* ; et de Rapo de *Pevensello*, *Lestona* et *Centinges* quod inde habet *Warnerius de Issevin*. Ad tenendum de me et hæredibus meis, sibi et hæredibus suis, in feodo et hæreditate, per servitium trium militum. Quare volo et firmiter præcipio quod idem *Ricardus* et hæredes sui omnia prædicta, bene in pace et honorifice teneant, cum omnibus libertatibus et liberis consuetudinibus, sicut melius et honorabilius ea tenuerunt prædecessores mei, in terris et hominibus, in bosco et plano, in aquis et stagnis, vivariis, pratis, viis, semitis, et in omnibus ad eas res pertinentibus. Factum est autem hæc Londoniæ, coram Rege STEPHANO. Testibus *Henr. Winton*. Episcopo, *Hug. Dunelm*. Episcopo, *Willielmo Priore Sancti Pancratii*, *Reginaldo de Ware*, *Hugo de Petro Ponte*, *Ricardo de Hanesti*, *Oseberto Martel*, *Turroldo de Borram*, *Roberto de Ruilli*, *Philippo de Querceto*, *Simone de Grentesmenil*. (Cartæ Antiquæ, I, I., No. 10.)

In the confirmation of this charter by Henry II. he notices other grants of the same lordships made by Stephen and Matilda, and declares that they are to be held "sicut Comes Eustachius de Bolonia vel Comes Stephanus de Moreton, unquam melius vel liberius vel honorificentius eas tenuerunt tempore Regis H. avi mei." He also confirmed the grant of Greenstead. (Cartæ Antiquæ, I, I., Nos. 11 and 12.) The Hundred was first granted by the following Charter :—

H. Rex Angliæ et Dux Normanniæ et Aquitaniæ, et Comes Andegaviæ, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris et omnibus fidelibus suis, Francis et Anglis, totius Angliæ, Salutem. Sciatis me dedisse et concessisse et præsentî Cartâ confirmasse *Ricardo de Luci*, et hæredibus

de Tregoz and for Albreda¹³, his sister,—to wit, she who had been my Uncle's wife,—whom he found at Berney, in Norfolk; and in that journey he spent fifteen shillings and lost one pack-horse¹⁴, which I had bought for nine shillings.

And when he came back, I went to Northampton to open my pleadings, with my friends and my helpers; and in that journey I spent fifty-four shillings. Hence Richard de Lucy gave me another day at Southampton, on the fifteenth day: and in that journey I spent fifty-seven shillings; and in that same journey I lost one pack-horse worth twelve shillings. Afterwards Ralph Brito came from Normandy, and he brought me the King's writ, whereby the plea was removed into the Archbishop's court, and I carried the writ to Archbishop Theobald, whom I found at Winchester; and in that journey I spent twenty-five shillings and four pence. And then the Archbishop gave me a day on the feast of St. Vincent, and that plea was held at Lambeth. And thence he gave me a day on the feast of St. Valentine the martyr; and in that journey I spent eight shillings and six pence; and that plea was held at Maidstone. From thence he gave me a day on the feast of St. Perpetua and St. Felicity: and in the mean while I went to the Bishop of Winchester, to speak with him, in order that he might certify the divorce which had taken place before him in the Synod at London; and in that journey I spent one mark of silver. And having

13 Dec. 1158.

22 Jan. 1159.

14 Feb. 1159.

7 March 1159.

suis Hundredum de *Angr'*: videlicet quicquid in Hundredo illo habeo, ipsi et hæredibus suis, habendum de me et hæredibus meis. Quare volo et firmiter præcipio quod ipse *Ricardus de Luci* et hæredes sui post eum, Hundredum illud habeant et teneant, bene et in pace, libere et quiete, integre et plenarie et honorifice sicut illud ipsis dedi, et hanc Cartâ meâ confirmavi. T. *Johanne Decano Sarisb. Johanne Archid. Bath', Comite Willielmo de Mand', Reginaldo de Curtenai, Willielmo de Lanval, Roberto de Briwecurt.* Apud Beauveir super Moiram. (Cart. Ant. Cott. XI. 5.)

¹³ Albreda afterwards became the wife of Robertus de Beseville; and upon her marriage, Geoffry de Tregoz, her brother, endowed her with a knight's-fee in Asphall, Suffolk. (Abb. Plac. 7 Ric. I. p. 100.)

¹⁴ "Amisit unum Runcinum," i.e. a *Rouncy*. In Spanish, *Roçin*—whence *Rozinante*.

obtained the Bishop's certificate, I appeared on my before mentioned day, prepared for my pleadings, and that plea was held at Lambeth; and there I spent thirty-seven shillings and six pence. From thence he gave me a day on the Monday next after Lætare-Jerusalem; and in the mean while I went for Master Ambrose, who was then with the Abbot of St. Alban's in Norfolk: and in that journey I spent nine shillings and four pence; and I sent Sampson, my chaplain, unto Buckingham for Master Petrus de Melide¹⁵; and in that journey he lost his palfrey, which I made good to him for one mark of silver, and he spent seven shillings there.

23 March (Monday after Lætare-Jerusalem, or Mid-lent-Sunday), 1159.

Having thus got at the aforesaid Clerks, I kept my day with my helpers at London; and, in that journey, I spent five marks of silver. Thence the Archbishop gave me a day on Quasimodo-geniti Sunday, and in the mean while, I sent John, my brother, beyond the seas, to the King's Court, because it was told to me that my adversaries had purchased the King's Writ exempting them from pleading until the King should return to England; and therefore I sent my brother for another Writ, lest my pleadings should be stayed on account of the Writ obtained by my adversaries; and in that journey my Brother spent three marks of silver. And in the mean while I myself went to Chichester, to speak to Bishop Hilary¹⁶, in

19 April (Quasimodo-geniti, or the first Sunday after Easter) 1159.

¹⁵ 1181—Magister Petrus de Melidis was appointed a Papal delegate, together with the Bishops of Hereford and Worcester, for the purpose of examining the privileges of the Monastery of St. Augustine, which the Archbishop of Canterbury alleged to be forgeries. (Thorn. 1831.)

¹⁶ Bishop Hilary, who had been one of the Papal Clerks, was much celebrated for his knowledge of the Civil Law. He had also been employed by Henry of Blois; so that Richard de Anesty evidently obtained a very favourable witness, and that same favourable witness was afterwards appointed by the Pope to decide the case concerning which he had testified. Hilary, before his promotion to the See of Chichester, had been nominated or elected to the Archbishoprick of York by a part of the Chapter; but the election was annulled by the Pope, in the manner related by the Continuator of Simon of Durham, who has thus described his character and attainments.

1148—Secundum Apostolici decretum, in suburbio de Richemund, apud ecclesiam Sancti Martini, in vigilia S. Jacobi Apostoli, convenerunt majores cleri Eboracensis

order that he might give evidence of the divorce which had been decreed in his presence before my Lord of Winchester, in the Synod at London, and I received his evidence, viz. the letters which he sent to the Archbishop testifying the divorce; and in that journey I spent fourteen shillings and four pence.

18th May, 1159.

I kept my day at London with my Clerks, and my Witnesses, and my Friends, and my Helpers, and there I remained for four days, pleading every day; and in that journey I spent one hundred and three shillings. Thence he gave me a day on Rogation day: and when I kept my day at Canterbury, my adversaries said that they would not plead, on account of the summons of the King's army for [the expedition against] Toulouse¹⁷; and in this journey I spent thirty-eight shillings, and departed without a day.

ecclesiæ et dioceseos, de electione Archiepiscopi tractaturi. Noluit enim Willielmus episcopus Dunelmi, Eboracum venire: quia infestus ei fuit Willielmus Comes Eboraci, à quo, sub vi anathematis, Episcopus exigebat Ovenden, et alias possessiones ecclesiæ Dunelmensis, sibi præreptas à Comite. Factaque est dissensio inter eos de qualitate personæ eligendæ. Rodbertus enim de Gant, Cancellarius Regis et Decanus, et Hugo Putheacensis nepos Regis et Thesaurarius, quos Willielmus Archiepiscopus promoverat ad honores in ecclesia Eboracensi et pars cum eis, consenserunt in electione magistri Hylarii clerici Apostolici. Willielmus autem Episcopus Dunelmensis, Aldulfus Episcopus de Karleol, Willielmus de Augo Cantor Eboraci, et Archidiaconi et pars residua cum eis, Henricum Murdac abbatem de Fontibus prætulerunt in electione. Litem hanc eorum diremit Apostolicus, consecrans Henricum Archiepiscopum Eboracensem apud civitatem Treveris in octabis Sancti Andreæ, dominica secunda Adventus Domini. Hylarius vero ex Apostolici præcepto jam fuit consecratus Episcopus ecclesiæ Cicestriæ. Qui Hylarius in ministerio Henrici Wintoniæ Episcopi plurimum gloriæ pretium emeruit. Postea ad ministerium Apostolici translatus, in reddendis et prosequendis causis advocatus disertissimus, et jurisconsultus peritus in curia Romana fuit.

¹⁷ The Writs of summons for the army against Toulouse appear to have been returnable at Midlent, 1159, and in this year most of the Chroniclers place the great expedition, which was one of the most remarkable military events of Henry's reign. (Rob. de Monte, Ed. D'Achery, 778. Rad. de Diceto. Imag. Hist. 531. Johan. Sarisb. de Nugis Curialium, Lib. 8. cap. ult. Gervas. Dorobern., 1381.) In the Norman Chronicle, published by Du Chesne, (S. S. R. Norm. p. 995), and which, in substance, is the Chronicle of Robert de Monte, the expedition, by an evident mistake either of the transcriber or the printer, is assigned to 1158. Neubrigensis places the expedition in the seventh year of Henry's reign, in the year 1161. This, perhaps, has also arisen from some clerical error.

And I followed the King and found him at Avinlarium¹⁸; and in this journey did I tarry for thirteen weeks before I could obtain the King's Writ for proceeding with the pleadings, and in that journey I spent four pounds of silver and ten shillings. Having purchased the King's Writ, I returned: and having found the Archbishop at Mortlake, I delivered the King's Writ to him, and he gave me a day on the feast of St. Crispin and St. Crispianus, on which day I came to Canterbury; and in that journey I spent twenty-four shillings and six pence. And from thence he gave me a day on the octaves of St. Martin, and on that day I came to Canterbury; and in that journey, I spent twenty-nine shillings, all but two pence. From thence, my Lord of Canterbury gave me a day on the feast of St. Lucia the Virgin, and in the mean while I sent Master Sampson, my Chaplain, to Lincoln, for Master Peter, and in that journey I spent half a mark; and when the day of my plea arrived, I could not appear in consequence of my illness, but I sent my essoigners who essoigned me at Canterbury; and in that journey I spent ten shillings. And from thence a day was given me on the feast of St. Fabian and St. Sebastian, and on that day I came to London where my Lord of Canterbury was; and in that journey I spent twenty-two shillings and eight pence. From thence he gave me a day on the feast of St. Scolastica the Virgin, and I kept my day at Canterbury; and in that journey I spent thirty-seven shillings and six pence. And from thence he gave me a day on Lætare-Jerusalem, and I kept my day at London; and in that journey I spent forty-three shillings. From thence he gave me a day on Misericordia-Domini Sunday; and in the mean while I sent Robertus de Furn', and Richard de Marci¹⁹, for Godfrey de

25th Oct. 1159.

18th Nov. 1159.

13th Dec. 1159.

20th Jan. 1160.

10th Feb. 1160.

6th March, 1160.

10th April (Misericordia-Domini, the second Sunday after Easter), 1160.

¹⁸ Perhaps Auvilar, in Gascony, a town situated on the banks of the Garonne, about fifteen French leagues below Toulouse.

¹⁹ It will be recollected that Richard de Marci held four knight's-fees of Richard de Luci, and Ralph de Marci held two (p. xi.);—other individuals of this family, William,

Marci; in which journey I spent ten shillings, and Robert de Furn' lost a palfrey worth two marks; and I myself went to the Bishop of Winchester, in order that I might obtain a more precise certificate of the divorce which had been decreed; and in that journey I spent thirty-four shillings and five pence, and I found the Bishop at Fareham, near Portsmouth; and from thence I brought back with me Master Giordano Fantasma¹⁹, and Nicholas de Chandos, in order that they might testify *vivá voce*, what the Bishop had already testified by his Writ.

Clause of Pentecost, either the Saturday in Whitsun week, or Trinity-Sunday, 21 or 22 May, 1160.

And I kept my day, prepared for my pleadings at London; and there I spent thirteen shillings and four pence. From thence the Archbishop gave me a day on the Clause of Pentecost, and in the mean while, I myself went to the Bishop of Lincoln for Master Peter, who was then with him at Stafford; and in that journey I spent twenty-two shillings and seven pence, and I sent Sampson, my Chaplain, for Master Stephen de Binham, whom he found at Norwich; in which journey he spent nine shillings, and thence I kept my day at Canterbury, prepared for pleading, with my Clerks, and my witnesses, and my friends, and my helpers; in which journey I spent four pounds and twelve shillings, because we were pleading there for two days.

Henry, and John de Marci, were all tenants of the honour of Boulogne. (Lib. Nig. p. 391.) At a later period, Geoffry de Sackville and Radulphus de Marci were jointly fined a thousand marks for a trespass in the King's forests in Essex. Pat. 9 John.

²⁰ Master Giordano Fantasma, probably an Italian by birth, was one of the "Clerks" of Henry of Blois, and a poet of some importance; for Mr. Petrie's unwearied researches have discovered a valuable metrical history of the dissensions between Henry II. and his son, composed by Fantasma in Romance verse. About this time Master Giordano was himself engaged in litigation with another "Clerk" of Winchester, one Master John Joichet (?) who, without license from Fantasma, had acted as regent of a school or college at Winchester. How, or by what authority, Master Giordano had acquired a monopoly of instruction in that city, does not appear; but the Delegates gave sentence in his favour, and his rival was enjoined to shut up his school, under pain of excommunication. (Joh. Saris. Ep. xix.)

From thence, he gave me a day on the octaves of St. Peter and St. Paul the Apostles; and I kept my day at Wingham; and in that journey I spent twenty-seven shillings and two pence. From thence, he gave me a day on the Feast of St. Sixtus; and I kept my day at Lambeth; in which journey I spent eighteen shillings and two pence. From thence, he gave me a day on the decollation of St. John the Baptist; and then I kept my day at Canterbury; and in that journey I spent twenty-three shillings. From thence, he gave me a day on the feast of St. Luke the Evangelist. In the mean while, I crossed the water, in order that I might solicit a licence from our Lord the King, to appeal to Rome²¹. And, in that journey, I lost a palfrey which I had bought for sixteen shillings; and I spent six marks and five shillings; and, having received the licence, I appealed to Rome [praying that a day might be given me there on] Lætare-Jerusalem; and in that plea I spent sixteen shillings and eight pence. After this I sued for the Archbishop's writ of appeal; but he refused to issue it immediately on the spot, and he gave me a day for receiving it at Canterbury; at which day I came and received my writ, but without seal, in order that I might shew the same to my Advocates, and obtain their opinion whether it was according to law; in which journey I spent fifteen shillings. And afterwards I sent that same writ by Sampson, my chaplain, to Lincoln, to shew it to Master Peter de Melide; and in that journey he spent five shillings and sixpence. And afterwards I sent the same writ to Master Ambrose²², whom

5th July, 1160.

6th Aug. 1160.

29th Aug. 1160.

18th Oct., 1160.

(3d March. 1161.)

²¹ Nullus appellet vel ad Papam vel ad Archiepiscopum, neque aliquod placitum ex eorum mandato teneatur: neque aliquod mandatum eorum in Anglia recipiatur. Et si quis tenuerit vel receperit, vel tractaverit, capiatur et retineatur. (Hoveden, 284.) These constitutions were enacted after the dispute with Becket; but the law was evidently in full force before. The writ founded upon the enactments was to the following effect: Henricus, &c. Vicecomiti N., Salutem. Præcipio tibi quod si aliquis clericus vel laicus in balliva tua ad Romanam curiam appellaverit, eum capias et firmiter teneas, donec voluntatem meam præcipiam (Quadrilogus Lib. v. c. 2.)

²² Master Ambrose was an Italian, and one of the Clerks of Robert, Abbot of St. Alban's. Matthew Paris describes him as one of the most eminent civilians of Eng-

the messenger found at Binham; in which journey he spent eighteen shillings; and the writ being corrected by my advocates, I carried the same back again to Canterbury, in order that it might be sealed; and having seen the writ, they refused to seal such a one, but they gave me another without seal. Hence, having received the writ, I went to shew the same to the Bishop of Chichester; and having heard his advice, I returned; in which journeys I spent two marks of silver. And then I sent the writ again by Sampson, my chaplain, to Master Peter; in which journey he spent half a mark of silver: I then sent the same writ again to Master Ambrose, at St. Alban's; and, their advice being received, and the writ corrected, I went to the Archbishop at Wingham, and there my writ was sealed; and in this journey I spent ten shillings.

And when I came back, I sent John, my brother, to Winchester, in order that he might purchase the Bishop's writ certifying the divorce to the Holy Father; and I myself went to the Bishop of Chichester, whom I found at Salisbury, in order that he might certify the divorce by his writ, addressed to the Holy Father in the same manner as he had done before to the Archbishop: and in that journey I spent seventeen shillings, and John spent nine shillings; and a second time and a third time did I send my brother to Winchester before I could have an available writ; and in those two journeys he spent nineteen shillings. Thereafter I got my clerks ready, and sent them to Rome,—to wit, Sampson, my chaplain, and Master Peter de Littlebury²³, and one man to attend them, in

About March, 1161.

land. Much about this time he was dispatched to Rome by the Abbot to obtain a confirmation of the privileges of St. Alban's; the Monastery being then engaged in a suit against the Bishop of Lincoln, of the same description as that between the Abbot of Battle and the Bishop of Chichester. (*Vitæ Abbatum S. Albani*, p. 94.)

²³ It appears, from a curious itinerary preserved in a manuscript copy of Matthew Paris, that there were about forty "journeys" between London and Rome. However it is not probable that Master Sampson and Master Peter rode every day, so that about two months would elapse before they reached their place of destination. As

whose outfit, to wit, in horses and in clothing, I spent five marks of silver; and in that journey to Rome they spent twenty-five marks of silver. And when they came back, they said that they had spent forty shillings beyond what I had supplied them with, and which had been lent to them by a certain clerk of the Bishop of Lincoln who accompanied them, and which I repaid to him. Having received the brief of our Lord the Pope, I carried the same to the Bishop of Chichester and the Abbot of Westminster, to whom the same was directed²⁴, in order that my plea might be brought into their court; and in these journeys I spent eighteen shillings and nine pence. After they had seen the Apostolical precept, they

an early, though not the earliest specimen, of the "livre des postes" of the middle ages, for an Anglo-Saxon itinerary of the same road is extant, the original is subjoined.

LUNDRES—jurnee—*Roffa*—jurnee—*Cantuaria*—dim-jurnee—*Dovera*,
real Chastel, clef de Engleterre—*La Mer*—*Witsant*—jurnee—*Mustroil*—
jurnee—*Seint Richer*—jurnee—*Pois*—jurnee—*Beuveis*—jurnee—*Beamont*
sur Eisne—jurnee—*Saint Dinis*—jurnee—*Paris*—*Grant Punt*—jurnee—
Provins—jurnee—*Nogent*—jurnee—*Trois en Burgoine*—jurnee—*Bar sur*
Seine; *Putries, Abbacia: Russelun: monticulus*—jurnee—*Chasteillun sur Seine*
—jurnee—*Chanceux*—jurnee—*Fluri*—jurnee—*Beune*—jurnee—*Chalun*
sur le Sonne—jurnee—*Mascun*—jurnee—*Liuns sur le Roune*—jurnee—*La*
tur de Pin—jurnee—*Munt de Chat*—jurnee—*Ege-belette*—jurnee—*Cham-*
berei—jurnee—*Ege-Belle*—jurnee—*Seint Michel au pe du Mont: Mont*
Senis: Hospital—jurnee—*La Suse*—jurnee—*Torins*—jurnee—*Verceus*—
jurnee—*Pavie: Fons*—jurnee—*Lodes*—jurnee—*Cremune*—jurnee—*Parme*
—jurnee—*Rege*—jurnee—*Mothne; Munt Bardun*—jurnee—*Vile a Virnce*
—*Sardaine*—jurnee—*Lune*—jurnee—*Lukes*—jurnee—*SeintClere*—jurnee
—*La Martre*—jurnee—*Seine la Veille*—jurnee—*Le Munt Flascun*—jurnee
—*Biterbè*—jurnee—*Sutre*—jurnee—ROME. (Bib. Cot. Nero. D. i. p. 182.)

²⁴ The original bull or brief of Pope Alexander, addressed to Hilary, Bishop of Chichester and the Abbot of Westminster, is yet extant in the Treasury of the Court of Exchequer. (Fœdera, N. E., vol. i. p. 19.) Both parties having failed to produce witnesses before the Papal Audience, by whose testimony the cause could be decided, the Pope gives full power to the Bishop and the Abbot, as his delegates, to hear and determine the same.—If either party, after the allegations have been propounded and the witnesses examined, and before sentence pronounced, shall appeal to the Pope, the Delegates are not to proceed to sentence, but to transmit all the acts, &c. to the Papal Audience, under their seals. But if no appeal be made, the Delegates are to pronounce definitive sentence.

6 Oct. 1161.

fixed a day for me to plead at Westminster, in eight days of the feast of St. Michael; and I kept my day, with my advocates, and my friends, and my witnesses, and my helpers; and there we tarried three days before we pleaded, on account of the King's commands, about which the Abbot and the Bishop were employed; and in that journey I spent four pounds and ten shillings.

18 Nov. 1161.

From thence, they gave me a day in eight days of St. Martin. In the mean while I sent John, my brother, for Godfrey de Marci, in order that he might attend as my witness: and he could not come, because he was ill, but he sent his son in his place; and in that journey John, my brother, lost a palfrey which he had bought for fifteen shillings, and he spent seven shillings and six pence. On the appointed day, I came to London, prepared and ready for pleading, because I thought I should then obtain my judgment; and there we tarried five days, and there I spent one hundred and four shillings; and then my adversaries appealed to the presence of the Holy Father himself, [such appeal to be heard] on the feast of St. Luke the Evangelist²⁵; and I requested the instrument of

16 Oct. 1162.

²⁵ On the hearing of the suit, Richard de Anesty produced his witnesses, who had been present when the divorce was pronounced, and a copy of the letter said to have been addressed by Henry of Blois to the Holy See. In the report drawn up by John of Salisbury, it is stated very pointedly that the originals were not adduced; and such precise and guarded terms are employed, as to imply some suspicion of the authenticity of the transcript. On the part of the plaintiff it was argued, that Mabel, being born "ex damnato coitu," was bastardized by the dissolution of the marriage of her parents, and incapable of the succession.

The advocates of Mabel de Francavilla replied, that the decree of divorce was not grounded upon law. The pretended espousals of William de Sackville and Albreda had not been effected by a contract "de præsenti," but by a mere promise, from which either party could recede; and, as a proof that such was the case, they alleged that Albreda's father had not only released to William de Sackville and his father all obligations arising out of the promise, but that he had promoted the marriage with Adeliza, which had been openly solemnized in the face of the Church.

The divorce, such as it was—they continued—had been unduly obtained. Adeliza had been forcibly expelled from her husband's house through the machinations of Geoffrey, Archdeacon of London, who was supported by the authority of Henry of Blois, who had not yet entered upon his legatine office; Alberic, Bishop of Ostia,

appeal, and they gave me a day at Oxford on the feast of St. Andrew; and I kept my day; and I tarried there for nine days before I could obtain my instrument; and there I spent thirty-four shillings. And having received the writ, but without seal, I carried the same to Master Peter, at Lincoln, in order that he might correct it; and in that journey I spent one mark of silver. The writ being corrected, I carried the same to the Bishop of Chichester at Winchester, on the octaves of the Epiphany, in order that it might be sealed there; and the Bishop would not seal it, because the Abbot of Westminster was not there: and in this journey I spent two marks of silver: but afterwards it was sealed at Westminster on Lætare-Jerusalem, where I spent twenty-three shillings and four pence. Afterwards, I went to the Archbishop of York for his writ deprecatory, to be addressed to the Holy Father, and to the Bishop

30 Nov. 1161.

13 Jan. 1162.

18 March 1162.

then holding the same. Adeliza had appealed to the Bishop of Ostia, and prayed for justice against the Archdeacon and the Bishop of Winchester. But the Bishop, corrupted by bribes, evaded the commands of the Legate, and pronounced his unrighteous decree. William de Sackville, on his death-bed, acknowledged that he repented him of the sin which he had committed by conniving at the machinations of the Archdeacon, as was attested by the letters of Gilbert, Abbot of Colchester, and also by many other persons of religion who were there present; and he had also acknowledged Mabel to be his right heir.

Furthermore, they urged, that admitting the divorce to be valid, the Bishop and the Archdeacon had not pronounced against the children; and such had been the judgment of Theobald IV., Count of Blois and Champagne, to whom the proceedings had been transmitted, in relation to the fiefs held of him by William de Sackville; and who, by the advice of the best of the Bishops of France, as well as of other learned men, had declared that the children were the legitimate heirs, and not to be affected by the fraud or ignorance of their parents.

This, in fact, was the most material point. According to the canon law, the dissolution of a marriage contracted within the prohibited degrees by persons, who acting *bonâ fide*, are ignorant of the impediment, does not bastardize the issue; and Richard de Anesty's advocates laboured to show, that the marriage between William de Sackville and Adeliza did not come within the rule: whilst the cause of Mabel was supported partly by examples;—for it was asked, were the children of the Kings of France, and of other great personages whom the Advocates named, to be bastardized by the divorce of their parents?—and partly by quoting certain texts of the civil law, alleged to be applicable to the case.

of Durham for his writ to the Holy Father and the Cardinals ; and I found them both at York ; and I returned to the Bishop of Lincoln for his writ, addressed likewise to the Holy Father and the Cardinals ; and in that journey I spent forty-eight shillings. And when I returned, I proceeded to the Bishop of Winchester for his writ ; and I found him at Glastonbury ; and there I spent thirty-two shillings.

Oct. Nov. & Dec. 1162.

Afterwards, when the time of appealing drew nigh, having prepared my Clerks, I sent them to the Court of Rome, where they tarried sixty-two days before they could have my sentence ; and there they spent eleven marks of silver. And when they came back, they brought a sentence [confirming the previous sentence, on the ground] of adultery. One instrument was directed to the Archbishop, another to Richard de Lucy, and the third to me : and with these instruments I proceeded to my Lord Richard de Lucy, whom I found at Rumsey ; and there we awaited the return of the King, who was about to come back from Normandy. Thence I followed the Court for three weeks before I could make fine with the King ; and in that journey I spent five marks of silver. And because the King was vexed on account of his Holiness not having directed any brief to him, I sent a messenger on the following day to the Holy Father, for a writ directed to the King (which my messenger afterwards brought to me on the clause of Easter, at Windsor) ; and in that journey the messenger spent fifty shillings. After I had fined with the King, my Lord Richard de Lucy, by the King's precept, gave me a day for pleading at London at mid-lent ; and there was then a Council ; and I came there with my friends and my helpers ; and because he could not attend to this plea on account of the King's business, I tarried there for four days, and there I spent fifty shillings. From thence, he gave me a day on the clause of Easter ; and then the King and my Lord Richard de Lucy were at Windsor ; and at that day I came with my friends and my

8 March 1163.

31 March 1163.

helpers, as many as I could have; and in the mean while I sent my brother for Ranulphus de Glanville²⁶, whereby he lost a palfrey, which he had bought for twenty shillings, and he spent half a mark in this journey; and because my Lord Richard de Lucy could not attend to this plea on account of the plea of Henry de Essex²⁷, the judgment was postponed from day to day until the King should come to Reading: and at Reading, in like manner, it was postponed from day to day until he should come to Walingford; and in that journey I spent six pounds and five shillings. And from thence, because my Lord Richard was going with the King to Wales, he removed my plea into the court of the Earl of Leicester at London; and there I came; and in that journey I spent thirty-five shillings and seven-pence; and because I could not get on at all with my plea, I sent to my Lord Richard, in Wales, to the end that he might order that my plea should not be delayed; and then by his writ he ordered Ogerus Dapifer²⁸ and

²⁶ Richard de Anesty applied to Glanville, with whom he was probably connected by marriage, as a "helper." Glanville appears to have been rising into favour 10 Hen. II., when he acted as Sheriff of Yorkshire; but he was not advanced to the post of Justiciar till 25 Hen. II.

²⁷ This plea, was the appeal of treason preferred against Henry de Essex, the hereditary grand standard-bearer of England, by Robert de Montfort, and which was decided by battle in 1163. (Rad. de Diceto. 586. Dugdale, I. 463.) Henry de Essex was vanquished by his antagonist, and became liable to capital punishment; but by the mercy of Henry II. the sentence was mitigated, and Essex was allowed to become a monk in the abbey of Reading; his lands were nevertheless forfeited to the Crown. The alleged crime which had rendered the unfortunate Baron liable to accusation, was his conduct in the battle of Basingwork, 1157, when Henry II. sustained a defeat from Owen Gwynedd. In this conflict he was seized with a sudden panic, and casting down the banner of England, he fled, exclaiming 'The King is slain'; and to this defection the victory of the Welch is to be principally ascribed. (Guill. Neub. p. 119. Gervas. Dorobern. 1880.) Yet he was not suspected by his Sovereign, and he served afterwards without reproach in the expedition against Toulouse; and a private quarrel which arose between him and Montfort, was the cause of the proceeding which ended in his disgrace and misfortune.

²⁸ Ogerus Dapifer held one knight's-fee of Richard de Luci in Scotesbrok (Shobrok), Devonshire, of the "new enfeofment"—(Lib. Nig. p. 235); and he appears as one of

Ralph Brito, that without delay they should do justice to me: and they gave me a day at London; and that messenger spent five shillings. I kept my day therefore with my friends and my helpers; when I spent twenty-seven shillings and four pence. From thence, my adversaries were summoned by the King's writ and also by my Lord Richard's writ, that they should come before the King; and we came before the King at Woodstock, and there we remained for eight days; and at last, thanks to our Lord the King, and by judgment of his court, my uncle's land was adjudged to me; and there I spent seven pounds and ten shillings.

Gifts and douceurs given by Richard de Anesty to his "helpers," and to the King and Queen.

These are the gifts which I gave in the Archbishop's court to the pleaders and the clerks who helped me—to wit, eleven marks of silver; and in the court of my Lord of Winchester, fourteen marks of silver; and to Master Peter de Melide, ten marks, and a gold ring worth half a mark of silver; and to Master Robert de Chimai, one mark. And in the King's court I spent in gifts, in gold and silver, and in horses, sixteen marks and an half; and I gave forty shillings to Master Peter de Littlebury; and amongst the other pleaders, my neighbours, who were accustomed to come to my plea, I spent in gifts of money and horses, twelve marks and an half.

To Ralph²⁹, the King's physician, I gave thirty-six marks and an half; to the King an hundred marks; and to the Queen one mark of gold.

Account of the monies borrowed by Richard upon usance from the Jews, for the purpose of carrying on his suit.

In the first year of my plea, when I sent John, my brother, beyond seas for the King's writ, I borrowed the forty shillings which I spent, from Vives, the Jew of Cambridge, upon usance,

the attesting witnesses to the grants made by de Lucy to Ralph Brito and his son. Ogerus was Sheriff of Norfolk and Suffolk about 14 Hen. II.; and about 16 Hen. II. acted as a Justice in Eyre in that county. (Mad. Exch. 98, 399.)

²⁹ This Ralph, described as "quidam in arte medicinæ peritus," is noticed as attending the King's Court on the hearing of the cause between the Abbot of Battle and Bishop Hilary. (See Chron. of Battle, post.)

a groat a week for the pound; and I kept the moneys during fourteen months, and I rendered for hire of the same, thirty-seven shillings and four pence; and this was on the third day after mid-lent. And at Easter following, the said Vives lent me again sixty shillings, at a groat a week for the pound; which I kept six months, and for hire thereof I rendered twenty-four shillings. And when I myself crossed the sea for the King's writ for pleading, then Comitissa³⁰ of Cambridge lent me four pounds and ten shillings, which I spent on the journey, at a groat a week for the pound; which moneys I kept nine months, and for which I rendered for usance, fifty-four shillings. And when I went for Master Peter at Stafford, then Bon-enfant the Jew lent me fifty shillings, at a groat a week for the pound; these moneys I kept five months, for which I rendered for usance, sixteen shillings and eight pence. And at the clause of Pentecost, when I pleaded at Canterbury, then Dieu-la-Cresse the Jew lent me forty shillings, which I kept two months, at a groat a week for the pound; for which I rendered for usance, five shillings and four pence. And when I crossed the water to obtain licence to appeal to Rome, then Jacob, the Jew of Newport, lent me sixty shillings, at a groat a week for the pound, which I kept thirteen months; for which I rendered for usance fifty-two shillings. And when I sent my clerks to Rome, then Hakelot³¹ the Jew, lent me ten pounds at the rate of three pence a week for the pound, which I kept seven

³⁰ This is a proper name. "Comitissa," the Jewess of Cambridge, and her sons, and the Jews of Lincoln, accounted in the Exchequer for seven marks of gold, the fine which had been imposed upon them on account of the "Jewess of Lincoln," whom the son of Comitissa had married without the King's licence. They had paid twenty-four pounds into the treasury as the amount of four marks of gold, and were debited with the three marks of gold which remained due, 15 Henry II. (Mad. Exch. 155.)

³¹ Probably Hakeline, the son of Jurnet, the Jew of Norwich, a creditor of Johannes de Dovra, the father of Fulbert de Dovra, who obtained the enrolment of the acquittance of his debt 10 Ric. I. (Magn. Rot. 10 Ric. I.; Mad. Exch. 171.) Jurnet was fined 2000 marks on the King's transfretation to Normandy, 23 Hen. II.

months; and for which I rendered for usance, sixty shillings and ten pence. And after Michaelmas, when we first pleaded in the court of the Bishop of Chichester and Abbot of Westminster; then Hakelot the Jew lent me sixty shillings, at three pence a week for the pound, which I kept three months, and for which I rendered for usance, nine shillings. And at the feast of St. Martin, when we pleaded again in the court of the said judges; then Jacob, the Jew of Newport, lent me seventy shillings, at a groat a week for the pound, which I kept eight months, and for the usance whereof I rendered thirty-seven shillings and four pence. And at the same time Benedict, the Jew of London, lent me ten shillings, at two pence a week, which I kept three years, and for which I rendered for usance, twenty-six shillings. And when I carried the writ of my appeal to Winchester to the Bishop of Chichester, that it might be sealed there; then Jacob the Jew lent me an hundred shillings, at three pence a week for the pound, which I kept ten months; and for which I rendered for usance, fifty shillings. And when I sent my clerks again to the Apostolical Court, then I borrowed four pounds from Hakelot the Jew, at three pence a week for the pound, which I kept six months; and for which I rendered for usance, twenty-four shillings. And when I went to my plea at Windsor; then Dieu-la-Cresse the Jew lent me forty shillings, at the rate of three pence a week for the pound, which I kept four months, and for which I rendered for usance eight shillings. And in the same journey to Windsor, because my money fell short, I borrowed half a mark from Bruno³² the Jew, at three halfpence a week, which I kept ten weeks, and for which I paid for usance fifteen pence. And in the same journey when I was at Reading, Hakelot the Jew, whom I found there, lent me thirty shillings,

³² This Bruno "made fine" to the King in the enormous sum of four thousand pounds, as appears by the Great Rolls, 23, 27, and 29 Hen. II. (Mad. Exch. p. 153.)

at three pence a week for the pound, which I kept five months; and for which I rendered for usance, seven shillings and six pence. And when my Uncle's land was decreed to me at Woodstock, then Mirabella, the Jewess of Newport, lent me four pounds and ten shillings, at a groat a week for the pound, which I kept a year; and for which I rendered for usance seventy-eight shillings. And when I rendered to Ralph the physician his moneys, at the first term, Hakelot the Jew lent me seven pounds, at three pence a week for the pound, which I kept a year and a half; and for which I rendered for usance, six pounds and sixteen shillings and six pence. And at the next term of payment, Comitissa of Cambridge lent me one hundred shillings, which I kept for two months, at three pence a week for the pound; and for which I rendered for usance, ten shillings. At Easter last, it was two years, since I paid fifty marks of silver into the Exchequer, in part of my promise to the King, of which Hakelot the Jew lent me twenty pounds, at two pence a week for the pound: and I yet owe the principal and all the interest; and the hire hath mounted up to twenty-six marks of silver. Again, at the Easter following I paid twenty-five marks of silver into the Exchequer, of which Hakelot the Jew lent me seven pounds, at two pence a week for the pound: and for which I yet owe him the principal and all the interest; and the usance hath mounted up to sixty shillings and eight pence. Again at Michaelmas I paid into the Exchequer ten marks, of which Hakelot the Jew lent me forty shillings, at two pence a week for the pound, which I kept three months, and for which I rendered for usance, four shillings.

I.

I. History of the Dispute between the Bishop of Chichester and the Abbot of Battle.

1148.
Hilary, Bishop of Chichester, being informed that the Abbey of Battle ought to be subjected to his jurisdiction, attempts to enforce his Episcopal authority.

Abbot Walter cited to a synod at Chichester.

Bishop Hilary attempts to visit the Abbey in his episcopal capacity.

Abbot pleads the exemption granted by the

De Controversia inter Episcopum Hillarium Cicestreensem et Abbatem W. de Lucy.

(1.) ANNO ab Incarnatione Domini MCXLVIII^o, regnante in Anglia Stephano Rege piissimo, ex clarissimo Regis *Willielmi* magni stemmate orto, anno scilicet decimo tertio regni ipsius; reverendus vir quidam *Hillarius* nomine, moribus honestis, artiumque liberalium præfulgens nitore, Ecclesiæ Sanctæ *Trinitatis Cicestræ* Antistes præficitur; qui, cum jura et dignitates Ecclesiæ suæ undique perscrutari cepisset, a quibusdam ei intimatum est, ecclesiam Sancti *Martini*, quæ cognominatur *de Bello*, eo quod ibidem Deus, Regi *Willielmo* conquisitori Angliæ de inimicis suis victoriam contulit, ejus ditioni subjacere debitam fuisse. Venerandæ ergo memoriæ vir, cum hæc accepisset, *Walterum* ejusdem loci Abbatem super hoc multotiens convenit; Abbate vero resistente, nec eidem assentiente, dissensio inter eos permaxima orta est.

(2.) Modus autem dissensionis hujusmodi erat. Episcopus *Cicestræ*, Abbatem *de Bello* ad sinodum suum apud *Cicestriam* ire, et omnia episcopalia secundum canones persolvere cogebat, Hospitari etiam in eâdem abbatiâ et in maneriis ejusdem, auctoritate episcopali, et quasi ex consuetudine affectabat: Abbatem vero et abbatiâ, hospitando atque pro libitu disponendo, suo juri subdere anhelabat; hinc etiam hac utebatur auctoritate dicendo, Abbatem *de Bello* electum, in ecclesiâ *Cicestrensi* cum professione canonicâ benedictionem suam, ecclesiastico more consequi debere, indeque illum sibi et suæ ecclesiæ omnino subjectum fore. Abbas vero, e contrario, non superbiæ sed patientiæ et humilitatis utens exemplis, nunc vivâ voce, nunc missis *Cicestriam* nuntiis, libertatem et dignitatem suæ ecclesiæ opponebat; dicens Regem *Willielmum*, quem Divina Provi-

dentia advexit in *Angliam*, ut jus sibi debitum acquireret, in procinctu belli, eodem in loco, cum favore omnium secum comitantium, votum fecisse, locum scilicet illum Domino Christo dare, tam liberum quam posset acquirere; clementiâque favente divinâ, victoriam adeptum, votumque solventem, ecclesiam bide[m] in honorem Dei et Beati *Martini* construxisse, pro salute omnium, et maxime omnium ibi interfectorum, ita liberam et quietam ab omni exactione terrenæ servitutis, et ab omni subjectione et oppressione atque dominatione episcoporum, sicut est ecclesia *Christi Cantuariæ*. Hoc etiam consilio et testimonio *Lanfranci* Archiepiscopi *Cantuariæ* et *Stigandi Cicestris* episcopi aliorumque multorum, scriptis suis confirmasse: *Stigandum* necnon, *Cicestris* episcopum præsentem, *Gausberto* primo ejusdem loci abbati et monachis suis in quantum sui juris erat, hoc eodem modo litteris suis corroborasse. Et ex tunc ad noticiam omnium transisse, ecclesiam Sancti *Martini* de *Bello* ab omni subjectione Episcopi *Cicestrensis* omnino liberam fuisse.

Charters of the Conqueror...

...alleging that the exemption had been confirmed by Lanfranc, Archbishop of Canterbury, and Stigand, Bishop of Chichester.

(3.) Hac igitur ratione tanti viri calumpniis Abbas obvians, flagitabat obnixe, quatenus libertatem quam ecclesia prædicta tantorum virorum auctoritate hactenus videbatur possedisse, inviolabili illibatoque jure tenere licitum foret. Præsul vero, his minime adquiescens, crebras Abbati simulates ingerebat: interminando, quod, nisi sinodum peteret, interdictum post unius anni curriculum in sinodo sollempni, auctoritate canonicâ, vinculo illum anathematis constringeret. Favebat autem ei tunc *Romanæ* pastor ecclesiæ *Eugenius*, necnon et venerabilis *Teodbaldus*, *Cantuariæ* Archiepiscopus et multi alii, quorum fretus auctoritate, Abbatem et ecclesiam de *Bello* sibi et suæ ecclesiæ penitus subjugare sperabat. Verum spe consilioque deceptus inani, rem effectui mancipare non potuit, quia spes in dubio posita plurimos nonnunquam fefellit.

The Bishop threatens to put him under an interdict,....

... and carries his threat into effect by pronouncing sentence of suspension, unless the Abbot should obey within forty days.

The Abbot appeals to King Stephen, who requires both parties to appear before him, in order that he may put an end to such dissensions, in the presence of his Bishops and Barons.

The Charters are read before King Stephen, who declares the Church of Battle free from the jurisdiction of the Ordinary.

(4.) Quodam igitur prædicti *Stephani* piissimi Principis tempore, sinodum apud *Cicestriam* adire, Abbas summonitus, nec veniens, interdictus est ab Episcopo : eo tamen tenore, quod si infra quadraginta dierum spatium satisfactorius non veniret, ab officio suo suspensus cessaret ; quod Abbas audiens, curiam apud Sanctum Albanum adiit propere, atque hæc regiae intulit aulae. Rex itaque, accersito quodam clericorum suorum, *Roberto de Cornu-villa* nomine, misit ad Episcopum, mandans et præcipiens quatenus ecclesiam Sancti *Martini de Bello*, sicut dominicam Regis capellam et regiam coronam, ab omni exactione et oppressione liberam et quietam, Christo Domino pacifice sineret deservire : terminum etiam ei præfixit quatenus die *octavarum Sancti Andrææ*, ipse et Abbas *Lundoniam* venirent ; ut ibi dissensioni eorumdem coram se, Episcopis et Baronibus suis præsentibus, finem imponeret.

(5.) Die constitutâ, uterque affuit, multis igitur causis ibidem discussis, Abbas Regi presentiam suam exhibuit : paratus, si quis eidem quicquam obicere vellet, justa rationis equitate, pro libertate ecclesiæ suæ resistere. Episcopus vero, nonnullis ibidem detentus negotiis, coram Rege die eadem venire distulit. Lectis igitur coram Rege cartis et munionibus de hac eadem re, a rege *Willielmo* magno subscriptis, Rex altiore usus consilio præcepit ecclesiam Sancti *Martini de Bello* ab omni subjectione et exactione *Cicestrensis* Episcopi, secundum Regis *Willielmi* et aliorum regum prædecessorum suorum cartas, liberam omnino existere. In crastinum, licentiâ a Rege Abbas acceptâ, domum rediit, Rege eidem pronunciante se ecclesiæ de Bello sicut dominicæ suæ capellæ et coronæ regiae, in omnibus, justa defensione, protectorem fore.

(6.) Haud longo postmodum tempore, anno scilicet Incarnationis Dominicæ *MCLIII*, *viii*. Kalend. *Novembris*, eodem

piissimo rege *Stephano* ex hac luce subtracto, et in Ecclesia, quam ipse in honorem Sancti Salvatoris mundi a fundamentis construxerat, apud *Fevresham* tumulto, Episcopus tempus ut sibi videbatur nactus, quo suam ad libitum prosequeretur causam, prædictum Abbatem *Cicestriam* ire summonitum, nec venientem, in synodo sollempni excommunicavit. Quod quidam de *Ierosolymitanis* fratribus, de *Templo* scilicet, ibidem existens, cum accepisset, *Lundoniam* festinanter tetendit; ubi tunc temporis Abbas prædictus, præcepto venerabilis *Cantuariæ* Archiepiscopi *Teodaldi*, cum quodam fratre suo ex nobilibus Angliæ, *Ricardo de Luci* nomine, adventum *Henrici*, *Normannorum* Ducis, Regis futuri, expectans, morabatur, atque hoc ejusdem *Ricardi* auribus pandit. Quo audito, *Ricardus* cum prædicto Abbate fratre suo locutus, hæc ut erant Archiepiscopo referre non distulit: communicato itaque consilio, misit idem venerabilis Pater quendam ex clericis suis, *Salomonem* nomine, ad Episcopum; mandans ei quod, Abbate secum detento, Domini sui futuri *Henrici* Ducis *Londoniæ* expectabat adventum. Unde mandando volebat, quatinus sententiam quam super Abbatem posuerat relaxaret donec in unum convenirent: Antistes vero *Cicestrensis*, domini sui legati annuens voluntati, sententiam relaxavit.

Death of Stephen, 25 Oct. 1154.

Bishop Hilary immediately excommunicates the Abbot....

...who is then at London with his brother, Richard de Lucy, awaiting the arrival of Henry Plantagenet...

.....But Archbishop Theobald interferes; and, at his request, the Bishop releases the sentence.

(7.) Adveniente itaque Domino nostro, *Henrico* Duce, atque apud *Westmonasterium* anno incarnationis dominicæ eodem *xiiii* Kal. *Januarii* in Regem elevato, et a venerabili *Teodbaldo Cantuariæ* Archiepiscopo et totius Angliæ primate, necnon et Apostolicæ sedis Legato, ibidem coronato, totius Angliæ primoribus ad eum confluentibus, juste consilio eorum omnia disponebat. Ecclesiis etiam possessiones et dignitates, ab antecessoribus suis concessas, suâ auctoritate confirmavit: et in sequente *Quadragesima* congregavit generale concilium apud *Lundoniam*, et renovavit pacem et leges et consuetudines per Angliam ab antiquis temporibus constitutas. Ibi quoque nonnulli ex Epis-

1154, Dec. 19—Hen. II. crowned at Westminster.

1155, Feb. March.—
Great Council held, in
which Henry renews
“Peace” throughout
England.

...Various Abbots and
others obtain confirma-
tions of their Charters.

Bishop Hilary applies
to the Archbishop of
Canterbury to prevent
the confirmation of the
Battle Charters.

The Archbishop pro-
tests accordingly against
the confirmation of the
privileges of Battle Ab-
bey, as prejudicial to the
rights of his Church, in
consequence whereof
the King directs the
Chancellor to stay the
sealing of the Charters.

copis et Abbatibus cartas et privilegia ecclesiarum suarum præ-
sentis Regis scripto et sigillo confirmaverunt. Inter quos, præ-
dictus Abbas de *Bello*, Regis *Willielmi* et aliorum Regum cartis
et scriptis per ordinem ostensis, ut in scripto et sigillo ejusdem
Principis confirmarentur, obtinuit. Quod Episcopus *Cicestrensis*
cum accepisset, citato gradu Archiepiscopum adiit, eique Abbatem
de *Bello* cartas contra dignitates *Cantuariæ* ecclesiæ, et suæ etiam
ecclesiæ *Cicestrensis* scilicet possedisse, et ut in præsentis Regis
sigillo confirmarentur obtinuisse intimavit; obsecrare igitur ut hoc
communi prohiberent sententiâ, ne alii per *Angliam* Abbates,
quasi quoddam privilegium hoc contra Episcopos suos sibi vin-
dicarent, si prædictus Abbas contra illos prevaluisse videretur.
His Archiepiscopus auditis, nimiumque credulus effectus, spon-
sione affirmavit certissimâ, se nunquam hiis suum præbere
assensum, quo aliquo hæc pro voto Abbatis, fine terminari
potuissent.

(8.) Factum est autem in crastinum, Rege et Archiepiscopo
in unum convenientibus, Archiepiscopus super his sermonem
intulit, dicens: Regem pati non debere *Cantuariensem* ecclesiam,
matrem videlicet totius *Angliæ*, et per quam idem Rex dia-
demate insignitus fuisset, necnon et *Cicestriæ* Ecclesiam ejus-
dem videlicet suffraganeam, libertates et dignitates ab antiquis
temporibus possessas, pro ecclesia de *Bello* non tantæ auctoritatis
et dignitatis annullari. Acceperat namque Abbatem illius loci
cartas contra dignitates et libertates ecclesiarum prædictarum
possedisse; flagitare itaque ut hæc regali omnino adnullaret
auctoritate, aut carta Abbatis, regio careret sigillo, donec, suo cor-
recta consilio, ecclesia *Cantuariæ* necnon et *Cicestriæ* jus suum
non amississe gauderent. Rex igitur tanti viri, utpote sui patris
spiritualis, et a quo diademate regali haud longe ante fuerat
insignitus, annuens voluntati, Cancellario accito regio, prohi-
buit cartam Abbatis de *Bello* regali sigillo confirmari. Quid

multa? per vulgi ora dispersa Abbatis auribus hæc propere fama intulit. Redeunte itaque luce, Abbas curiam adiit: sed, Rege venatum eunte, nil die eadem proficiens, ad hospitium suum reversus est.

(9.) Sequenti luce, summo mane, Abbas iterum *Westmonasterium* petiit: ibique coram altare quo Rex missam erat auditurus opperiens, multis mente modis volvebat, quid super hac re facturum esset. Adveniente Rege ut missam audiret, post missæ introitum Abbas Regem conveniens—"Domine—inquit, "vestra præceperat excellentia, cartam Ecclesiæ nostræ sigillo "confirmari regio, sed quâ de causâ repulsam passa sit, ignoro; "jubeat igitur clementia vestra ut verbum regium fixo stet gradu, "nec pro cujusquam invidiâ pessundari videatur."—Accito itaque Cancellario, præcepit Rex, ut carta Abbatis sigilli sui confirmaretur impressione; necdum verba compleverat, et ecce Episcopus festinato gradu, illud ut erat mente suspicatus, accurrens, Regem tali affatur alloquio.—"Domine mi, meminisse decet "clementiam vestram unde nudius tercius venerabilis *Cantuariæ* "Archiepiscopus et Ego, querimoniam coram vobis deposuimus "de Abbate, scilicet de *Bello*, qui contra dignitates nostrarum "ecclesiarum cartas quærit; ut quæ hactenus jure canonico videntur possedissee, ejus calliditate prevalente, lugeant se amisisse. "Prohibeat itaque regia dignitas vestra, ut hoc nullatenus aliqua "confirmetur auctoritate, ne alii hujusmodi exemplo contra Episcopos suos insurgere videantur."—Rex vero præcepit cartam Abbatis regio confirmari sigillo; et deinde Episcopum et Abbatem simulque Cancellarium coram Archiepiscopo convenire, lectâque cartâ Abbatis, illis audientibus, si qua corrigenda essent, eorum consilio corrigerentur, sicque in pace cum cartâ suâ Abbas domum rediret. Quod si sententiâ discordante discessissent, carta Abbatis in capellâ Regis, a Cancellario custodiretur, donec sententiâ Regis quid inde fieret discerneret. Percantato

The Abbot remonstrates with the King, who alters his mind, and commands that the Charter shall be sealed.

The Bishop now protests against the allowance of the Charter; upon which the King again orders that it shall be sealed; but at the same time directs that the Chancellor, together with the Bishop and the Abbot, shall meet before the Archbishop: if they can agree, the Charter is to be delivered to the Abbot; but if not, then it is to be kept by the Chancellor in the chapel (i.e. the chancery) until the King can decree what ought to be done.

itaque missæ canone usque ad *Pax Domini*, Episcopus, ut moris est, Pace a sacerdote accepta, Regi detulit, et deinde Abbati, multis plurimum mirantibus, porrexit.

Meeting or conference at Lambeth—the Chancellor causes the Conqueror's Charter to be read before the Archbishop, the Bishop, the Abbot, &c.

(10.) Episcopo igitur et Abbate simulque Cancellario multisque aliis coram Archiepiscopo apud *Lametham* convenientibus, lectâque cartâ magni *Willielmi* Regis, exemplo cujus, omnes aliæ cartæ Regum sequentium confirmatæ sunt, ubi ventum est ad quoddam verbum quod in eâdem continetur cartâ, quod “ecclesia” scilicet “de *Bello*, libera sit omnino ab omni subjectione Episcoporum sicut ecclesia *Christi Cantuariæ* ;” clamor undique attolitur: quibusdam asserentibus hoc contra canonum instituta extitisse, aliis dicentibus hoc contra dignitates *Cantuariensis* ecclesiæ fuisse, nonnullis nimium clamantibus hoc verbum peremptorium esse, multis etiam hoc aliter objurgando interpretantibus, hinc inde confusa perstrepebat sententia. Cartâ perlectâ, cum neminem prædecessorum suorum Episcoporum præfatus *Cicestrensis* Episcopus *Hilarius* in subscriptis ejusdem cartæ inveniret testibus, præcellentissimam hujus verbi dignitatem, sacrorum canonum in perpetuum auctoritate damnandam, et præsentium simul judicum confirmationem censuit delendam. Hujusmodi sententiam concors etiam archiepiscopi conclamatio prosecuta est. Abbate vero, quamvis rationabiliter, resistente, non tamen illorum quievit commotio. Cancellarius autem audiens illos inter se discrepantes, retulit cartam Abbatis inde discedens in capellam Regis, eamque ibi servandam, juxta Regis præceptum, tradidit. Abbas vero, amicorum suorum usus consilio, ad propriam reversus est, nil de Dei desperans auxilio. Episcopus lætus et hilaris effectus est; sperabat enim Abbatem ecclesiamque de *Bello* cartæ suæ omnino confirmatione privari; verum ut scriptura testatur, “homo proponit, Deus autem disponit,” non passus est Christus Ecclesiam suam antiquis suis et justis carere privilegiis, sed suâ proveniente misericordiâ tempore ei oportuno in melius restituit.

The Bishop demands a sentence against the Charter, because none of his predecessors had confirmed it...

The Archbishop agrees with him, and the Chancellor therefore withdraws the Charter for the purpose of depositing it in the King's chapel.

(11.) Eodem itaque anno, *in tempore Paschali*, quidam ex Angliæ nobilibus, *Hugo de Mortuo Mare* cognomine, vir pollens viribus sed multo maxime ingenio, validus, prædives opibus, militari negotio strenuus, Regem utpote adolescentem, ejusque industriam indignationi habens, castris suis munitis, ejusdem imperiis se suaque summitti refutabat. Ea vero postquam Regi enunciata sunt, congregata militum multitudine non modica, ipsum *Hugonem* in quodam castro suo, *Bregge* nomine, obsedit, valloque et castris undique circumdedit, omnemque illi egrediendi spem omine mutato interclusit. Abbas autem tempus, ut sibi et amicis suis visum est, opportunum nactus, Regem ibi adiit, et ut in tali decet negotio muneribus suis honoravit, atque super cartâ suâ eidem sermonem intulit; acceptoque a Rege responso super hoc optimo, ad quasdam terras suas juxta regionem illam sitas, ad tempus perendinaturus secessit.

Hugh de Mortimer rebels against Henry II.

Henry II. besieges Mortimer in his castle of Bregge (Bridgenorth), at which time the Abbot repairs to the King, offers his dutiful gifts, and labours for the renewal of his Charter.

(12.) Haud multo postmodum tempore, Rex ipsum *Hugonem* ad deditionem coegit, mandans per Angliam universam Archiepiscopos, Episcopos, et Abbatum plurimos, Comites et Barones universos, *quarto die præcedente festum Sancti Benedicti estivi temporis*, ibidem convenire. Quibus congregatis, pax inter Regem et *Hugonem* facta est. Tertiâ die post pacem factam, affuit et Abbas, consilio fratris sui *Ricardi de Luci* et aliorum amicorum suorum. Abbas Regem in crastinum adiit atque super cartâ suâ illum interpellatus est. Rex cum quibusdam secreti sui consciis, consilio communicato, Deo favente, et Beato *Martino* Christi confessore, qui nunquam in se sperantes deserit, auxiliante, coadjuvantibus etiam terreni consilii patronis, Comite scilicet *Cornubiæ Raginaldo*, et *Ricardo de Humez* Regis Tribuno, qui cum *Ricardo de Luci* et Abbate *Waltero* amicitiae foedere conjuncti erant, reddidit Rex cartam prædictam Abbati, et per illum Ecclesiæ de *Bello*, quæ est

Henry II. subdues Hugh de Mortimer. Great Council or Parliament summoned to meet 7 or 8 July, 1155, in which peace is settled between them.

The King, by the advice of his Privy Council, and of Reginald, Earl of Cornwall, and Richard de Humez (both friends of Richard de Lucy and his brother), restores the Charters to the Abbot.

signum coronæ regiæ Angliæ eam misit, lætantibus omnibus Abbatis et Ecclesiæ de *Bello* amicis, immensoque gaudio tripudiantibus; inimicis vero eorum undique perfusis mærore et confusis. Valedicens igitur Regi Abbas et gratias agens, a curiâ cum cartâ suâ recessit; et juxta statuta dierum itinera ad *Bellum* reversus est, ibique, cartâ coram fratribus ejusdem ecclesiæ perlectâ, exposuit eis omnia quæ sibi contigerant, gaudentibus omnibus et Deum maximo cordis affectu super hoc glorificantibus.

Council held at Westminster, Christmas 1155, after which the King sails for Normandy, 29 Aug. 1156 (the year appears to be here reckoned from Christmas).

The Abbot follows the King, and finds him at Saumur, — despatches certain business with him.

The Abbot becomes suspicious to certain other ecclesiastics, who imagine that he has attempted to injure them with the King; in consequence of which the Bishop of Chichester also goes to the King, and continues with him till his return to England.

The Abbot summoned by virtue of a bull or rescript issued by Pope Adrian, to appear at Chichester on mid-lent Sunday 1157, to hear the Pope's commands, which he obeys.

(13.) In sequenti *Nativitatis Domini festo*, tenuit idem excellentissimus Rex concilium suum apud *Westmonasterium*, et, dispositis omnibus suis, propter quædam negotia sua, transnavigavit in *Normanniam*. In illo eodemque anno, *die Decollationis Sancti Johannis Baptistæ*, pro quibusdam causis et negotiis ecclesiæ de *Bello*, transfretavit Abbas mare, ivitque ad Regem; inveniensque illum apud *Salmurum*, locutusque cum eo, consilio Reginae Angliæ et Ricardi de Luci fratris sui, qui cum Rege ibi aderant, omnibus pro voto rite perfectis, reversus est in *Angliam*. Hoc nonnulli ex ecclesiasticis personis Angliæ male acceperunt; putantes ipsum Abbatem insidiosè, quo eos exosos faceret, opera eorum fallacia Regi annuntiasse; verum hoc postmodum patuit omnibus esse falsissimum. Hac de causâ, Episcopus etiam *Cicestriæ*, reputans se, ipsius Abbatis intimatione, erga Regem non bene acceptum fore, necnon et pro aliis suis negotiis, circa *festum Sancti Martini hiemale* transivit ad Regem, et cum eo moratus est donec Rex reverteretur in *Angliam*.

(14.) In prima ebdomada *Quadragesimæ* sequentis, venerunt duo Decani Episcopi *Cicestriæ*, *Ansgerus* scilicet *Lewensis* et *Thomas Hastingsensis*, usque ad *Bellum*, adducentes secum quinque presbiteros; locutique cum Abbate, obtulerunt ei litteras

Domini Papæ *Adriani*, instantes ut responsum ejus super his, festinato gradu, Archidiacono *Cicestriæ*, *Henrico*, referrent. Abbas autem in secretiori loco, litteris inspectis et perlectis, accito Priore ejusdem loci et fratribus nonnullis, consilioque communicato, in omnibus secundum tenorem litterarum se respondit obediturum, salvo honore ipsius domini Papæ et fidelitate simul et honore Domini sui Regis Angliæ et personæ suæ et ordinis sui, salvo etiam jure Ecclesiæ suæ. Hoc accepto, alia eidem intulerunt, dicentes, *Johannem Cicestrensis* ecclesiæ Decanum, et *Henricum* Archidiaconum, et *Rogerum* Thesaurarium ejusdem ecclesiæ, ex parte Domini Papæ mandando summonuisse, quatenus *Cicestriam*, *Dominica* quæ est *Lætare-Jerusalem*, conveniret, ibi auditurus precepta ipsius Domini Papæ, sicque discesserunt. Abbas vero, ut semper de Dei et Beatæ Mariæ Virginis necnon et Beati *Martini* confessoris Christi confisus auxilio, cum Archiepiscopo *Cantuariæ* et quibusdam secreti sui consciis consilio communicato, die statuta *Cicestriam* venit; intransque capitulum ubi omnes congregati fuerant, assurgentibus sibi omnibus et in sede honorifice collocantibus, residentibus quoque circa se universis atque reticentibus, sic demum Abbas ora resolvit.

(15.) “Nuper, Domini et fratres, quidam ex vestris ad nos
“venientes, litteras Domini Papæ nobis protulerunt, summo-
“nentes etiam ex ipsius Domini Papæ auctoritate, quatenus huc,
“hac die præsentī, conveniremus, ejusdem venerabilis Domini
“audituri precepta. Adsumus ob reverentiam et honorem tantæ
“excellentiæ Patris, in omnibus, salvo ejusdem patris honore et
“fidelitate simul et honore Domini nostri Regis *Angliæ*, et
“personæ nostræ, atque ordinis nostri, salvo etiam jure Ecclesiæ
“nostræ, parati ejusdem parere preceptis.” His ejusdem Eccle-
siæ Decanus auditis prohibuit ne aliquis ei nisi prius consilio
communicato responsum redderet; convocansque majoris aucto-

Opening speech of the
Abbot.

ritatis fratres, secreto eorumque usus consilio, rediit, et his Abbatem verbis affatur.

Dean of Chichester requires the Abbot to produce the Pope's bull,

(16.) "Nimirum, venerande Domine Abbas, ut se res habet, precepto Domini Papæ summonitus, huc advenistis: nunc igitur restat quatenus nobis literas Domini Papæ vobis directas ostendatis, ut per illas, quæ nobis præcepta sunt, ordine com- petenti vestræ dilectioni pandamus: eritque, ratione dictante, his quæ vobis earum auctoritate objecta fuerint, demisso vultu obedire aut supercilio erecto contraire." Abbas vero litteras secum neque detulisse neque quemquam se super hoc convenisse perhibebat; tunc quidam ex clericis Decano contrascriptum litterarum obtulit, jussusque in auditu omnium perlegit.

The Abbot says he has it not with him.

A transcript of Pope Adrian's bull read— requiring the Abbot to render canonical subjection to the Bishop under pain of excommunication.

(17.) "*Adrianus* Episcopus, Servus Servorum Dei, dilecto filio *Gauterio* Abbati de *Bello*, salutem et apostolicam benedictionem. Recte a suis subditis illi obedientia denegabitur, qui suo Prelato debitam recusat obedientiam exhibere. Pervenit ad nos quod venerabili fratri nostro *Hilario*, *Cicestrensi* Episcopo, cui professionem fecisti, debitam obedientiam subtrahas, et ipsius contradicas obedire mandatis: quod quam perniciosum sit et omni rationi contrarium, si primi hominis pœnam ad memoriam reduceres, posses de facili invenire. Ideoque per præsentia tibi scripta mandamus quatenus ei, tanquam Episcopo tuo et patri, atque commissæ sibi Ecclesiæ studeas fideliter obedire, alioquin scire te volumus quod sententiam quam in te idem frater noster propter hoc canonice promulgaverit, nos auctore Deo ratam habebimus. Data Romæ, apud Sanctum Petrum, Kal. *Martii*."

The Dean resumes his discourse.

(18.) *Epistolâ perlectâ*, — "Audistis" — inquit Decanus, — "Domine Abbas, quo ordine Dominus Papa vos hortatur, ut prælatis vestris obedientiam exhibeatis; et quam maxime huic

“ Ecclesiæ *Cicestriæ* et tuo Episcopo *Hilario*?—Notare namque
 “ decet prudentiam vestram, quâ de causâ, Dominus Papa ‘ tuo
 “ Episcopo’ interposuit. A fundamentis itaque ecclesiâ de *Bello*
 “ constructâ, primus eidem Abbas electus jussa canonum secu-
 “ tus est, atque in hac sanctâ Ecclesiâ, cum professione, bene-
 “ dictionem suam canonice consecutus est. Deinde omnes ejus
 “ substituti, quorum nomina haud in memoria habemus: cum qui-
 “ bus, vos etiam *Waltere*, quem hic residere et moderamina illius
 “ ecclesiæ tenere perspicimus, idem fecisse nulli dubium est. Quia
 “ vero in aliquibus prudentia vestra a via obedientiæ huic Ecclesiæ
 “ professæ declinavit; postulat hæc sancta Ecclesia, et nos qui
 “ hujus sanctæ ecclesiæ filii sumus, quatenus vos, ut filius, matrem
 “ vestram, hanc scilicet Ecclesiam, de vobis certificetis, ut in
 “ omnibus, sicut canonicum est, eidem canonicam deinceps obe-
 “ dientiam, omni ambiguitate detersâ, exhibeatis. Revera etenim,
 “ reverende Pater, ut optime novit caritas vestra, canones sacri
 “ personam hujusmodi ambiguam, aut testibus legalibus vel
 “ sacramentis ecclesiasticis, seu etiam scedula, ejusdem corrobo-
 “ rata sigillo, sanxerunt astringi; nempe Dominus noster Epis-
 “ copus *Hilarius*, suscepto hujus sanctæ matris vestræ ecclesiæ
 “ regimine, juxta canonum instituta, vos cum quadam parochiæ
 “ suæ persona alia, semel iterumque et tercio, sinodum adire
 “ apud *Cicestriam* summonitos, nec venientes, interdixit:
 “ verum persona alia, supplici voce, veniam petens obtinuit; vobis
 “ vero, in sententiâ permanente, post unius anni curriculum, in
 “ sinodo sancta, vinculum anathematis impositum est, quo vos
 “ etiam usque in hodiernum astrictum tenemus. Quamobrem
 “ hæc sancta Ecclesia, vobis ut filio condolens, postulat, ut, his
 “ nunc relictis, nobis fratribus vestris scilicet audientibus, quæ
 “ sibi jure debetis, profiteri non differatis. Et quia ut superius
 “ protulimus, uno ex tribus vinculo, persona ambigua, more
 “ ecclesiastico est astringenda, ob honorem et dignitatem
 “ Ecclesiæ et personæ vestræ, providimus excellentissimum esse

Requires the Abbot to
 write and seal a very
 little “ schedule ” or in-
 strument containing his
 profession of obedience.

“ et congruum, quatenus scedulam parvissimam, vestrae profes-
 “ sionis modum continentem, sub quadam renovatione Ecclesiae
 “ huic et nobis perscribatis, et sigilli vestri impressione sub
 “ quorundam testimonio confirmetis; quo, omni deinceps ambi-
 “ guitate deteresa, Ecclesia praesens ut filium vos diligendo
 “ foveat, et in omnibus consilium et auxilium praebat: sic
 “ itaque, pace communicata, gremio sanctae ecclesiae restitutus,
 “ hilari cordis affectu redeatis ad propria. Nos vero, in his
 “ quibus vestra fraternitas erga venerabilem dominum nostrum
 “ Episcopum *Hilarium* deliquisse cognoscitur, mediatores inter-
 “ positi, indignationem illius erga vos et iram, pace conjunctâ,
 “ Dei annuente gratiâ, sedabimus. Provideat igitur dilectio
 “ vestra, quatenus tam magnae auctoritatis atque nobilitatis per-
 “ sona perfectarum scientiarum utatur consilio, nobisque modesto
 “ super his atque accepto sermone respondeat, neque in dubio
 “ sit, quin eloquiis dulcissimis a vobis propalatis humilitas nostra
 “ benigne faveat: ampullosis vero et sesquipedalibus viriliter
 “ contradicat, quamvis ingenuam vestri generis magnanimitatem
 “ non superbiae typo extolli sed patientiae atque rationis virtute
 “ sciamus devinci.”

The Abbot's rejoinder.

(19.) His itaque hujusmodi sermonibus a Decano habitis,
 omnibus hoc justum fore atque his se favere acclamantibus,
 tandem, silentio imposito, Abbas hoc modo et hac ratione re-
 sponsionem objectis subintulit.—“ Orationis vestrae, patres dilec-
 “ tissimi, oppositam propositionem dulci sermone prolatam in
 “ secreto cordis mei perpendens cubili, magnificae libertatis famosi-
 “ que nominis ecclesiae de *Bello* occurrit excellentia, animumque
 “ per diversa nutantem nimium perturbat horum imprudentia.
 “ Namque vobis, ut patribus et fratribus dulcissimis affatu
 “ digno respondere paravi et omnimodis vestrae satisfacere cari-
 “ tati. Si de primo ejusdem loci Abbate *Gausberto*
 “ nomine agere voluerit dilectio vestra, haud incognitum habe-

“ mus eundem in eadem Ecclesia de *Bello*, auctoritate et dig-
 “ nitate regia, simulque *Lanfranci*, *Cantuariensis* Archiepiscopi,
 “ assensu, a *Stigando* hujus Ecclesiæ tunc antistite, benedic-
 “ tionem suam absque professione consecutum. *Henricus* ejus
 “ substitutus et alii successores ejus, prædecessores mei, si quod
 “ contra libertatem et dignitatem ejusdem Ecclesiæ ac justum
 “ foret egisse probantur, nihil mea interest. Ego vero, minimus
 “ omnium, nil contra jura et dignitates Ecclesiæ nostræ, sed salvo
 “ jure ejusdem Ecclesiæ et dignitate, omnia peregissem me recolo . . .
 “ Vinculo anathematis me constrictum a venerabili Episcopo vestro
 “ asseritis. Hoc itaque nec per Episcopum vestrum neque per
 “ aliquem alium mihi hucusque insinuaturn esse probatur. Quod
 “ si hoc veritati innititur, miror prudentiam tantæ discretionis
 “ viri, miror etiam in hoc sententiam ejusdem tam præcipitem;
 “ cùm nil contra prædictarum statuta ecclesiasticarum me egisse
 “ a quoquam probari possibile sit.”—Nullo igitur ex assisten-
 “ tibus rationem contra reddente, sed omnibus simul reclaman-
 “ tibus, Abbas orationem suam prosequitur.—“ Scedulam quam
 “ nobis perscribendam exigitis, neque Domini Papæ litteris hoc
 “ nobis designatum constat; nec ratio nobis aliqua, ut perscri-
 “ batur, occurrit: quia vero, ratione dictante paceque dilectionis
 “ vestræ omnia concludi vellem, rogo quatenus induciæ nobis
 “ dentur, quo Dominum nostrum Regem, in transmarinis con-
 “ stitutum partibus, cujus capella dominica et signum coronæ
 “ regię Ecclesia nostra esse dignoscitur, adire possimus; ejus præ-
 “ ceptum super hoc audituri, simulque consilio ipsius episcopi
 “ *Hilarii*, cui dominus Papa, non vobis, ut debitam exhibeamus
 “ obedientiam præcepit: uti liceat ut omnia sano consilio com-
 “ pleantur; neque enim ea quæ vobis et Ecclesiæ huic a nobis
 “ persolvi debentur pessundari cupio, nec nostram ex libera an-
 “ cillam effici præopto. Dominus etiam Rex, ne super his
 “ absque ejusdem permissione quicquam ausu temerario aggredi
 “ tentaremus, prohibere curavit.”

Prays an adjournment,
 until he can consult
 with the King.

His prayer for an adjournment is rejected by the Court;

and the Dean again requires him to execute the instrument.

The Abbot persists in his refusal; and the Dean therefore dissolves the Court, stating, that he will report the Abbot's contumacy to the Bishop.

(20.) Omnibus igitur inducias dare abnuentibus, quibusdam vero asserentibus Dominum Regem, quatenus Ecclesia de *Bello Cicestre*nsi Ecclesiæ jus debitum persolveret, illis audientibus præcepisse, et idcirco inducias dari minime debere, res diutius protracta fine potiri nequivit. Abbas vero, in hoc ut sibi inducias darent, quo Regem super illud conveniret perstitit; simulque commemorabat se de his absque consilio et licentiâ fratrum suorum monachorum de *Bello* quicquam minime acturum fore. Dicebat enim se mortalem esse et moriturum, Ecclesiam vero de *Bello*, se defuncto, permansuram: ideoque absque ejusdem consilio et licentiâ, se nil acturum, inducias dari fore necessarium. Illis autem multis modis contradicentibus, multisque sententiis hoc etiam dijudicantibus; Abbate in sententiâ induciarum dandarum persistente, Decanus silentio imposito Abbatem ita convenit—"Domine"—inquit—"Abbas," congregatio hæc scedulam "vobis propter ambiguitatem superius vobis indictam perscribi "et in ecclesia hac in memoriam conservandam exigit; quo, omni "deinceps ambiguitate deteresa, huic sanctæ ecclesiæ quæ jure a "vestra fraternitate et a successoribus vestris debentur, impendantur. Nos itaque ecclesia sumus, Episcopo decedente per- "manebimus, et hac de causa hoc a vobis exigimus."

(21.) Abbate ergo renuente nec eisdem assentiente, cum diu persisterent nec quicquam proficerent, Decanus, Abbate fixo in sententiâ suâ persistere, gradu simul etiam in nil proficiendo, diem ex maximâ expensum parte perspicuens, tandem, murmure sedato, his verbis conclusit—"Dominus"—inquit—"noster, Episcopus "noster, pastor noster, pater noster *Hilarius*, persona litteris et "moribus egregia, honesta, religiosa, nobis discipulis suis, tan- "quam filiis, hanc formam verborum mare transiens tradidit, "hac forma instruxit, præmunivit, præcepit, quatenus vos, reve- "rende Pater et Abbas, hac aggredieremur, circumveniremus, quo "nobis et Ecclesiæ huic scedulam quam a vestra paternitate

“exigimus perscriberetis; nos vero, ut tanti patris decet filios,
 “præceptis insistentes, hoc a vobis exigimus: quia igitur vestrae
 “non placet minervæ ut nobis quod exigimus perficiatur, nos
 “hoc in medium relinquimus, et Patri nostro omnia litteris
 “nostris et nuntio renuntiabimus, expectantes super hoc ejus
 “receptionem.” Hoc dicto, singulis dissono non absque strepitu,
 murmure hinc mussitantibus, excutiuntur sedibus, sicque soluta
 concione suis quique agendis operam accomodavere.

(22.) Abbas coram altare Sanctæ Trinitatis ibidem, factâ
 oratione, et sanctæ crucis munitus signaculo, cum suis ad propria
 reversus est. Reputans igitur et in se Abbas recogitans, quod
 de his, nisi regali determinatione, finis non haberetur, per
 nuntium omnia *Ricardo de Luci* fratri suo exposuit: Qui
 omnia, ut acceperat, Regi intimare curavit. Rex vero, accito
 Episcopo, præcepit quatenus Abbatem de *Bello*, ut suum capel-
 lanum, in pace ab omnibus querelis esse permetteret, donec in
 Angliam redirent. Factum est autem post *Pascha*, citato gradu,
 Rex ad mare properans, navemque ascendens, flante austro
 secundo, in portu *Hantoniae* appulit; indeque versus *Lun-*
doniam iter arripuit; quod Abbas cum accepisset, paratis
 quæ necessaria erant, eidem apud quoddam Castrum fratris sui
Ricardi de Luci in *Essexia* situm, *Angra* nomine, occurrit;
 congratulantibus itaque ad invicem, quod Deo favente prospere
 Rex reversus extiterat; inter multam confabulationem Rex
 eidem præcepit Abbati quatenus *die Pentecosten proximi* apud
 Sanctum Edmundum, ubi tunc coronâ suâ regiâ insigniri
 debebat, ita præmunitus et instructus iis quæ sibi forent neces-
 saria veniret; ut quod sibi et ecclesiæ suæ justum foret, contra
 Episcopum *Cicestriæ*, *Hilarium*, cui etiam ibidem super his tunc
 terminum præfixerat, ratione dictante dirationare prævaluisset.
 Hoc audito, Abbas ad quoddam manerium suum, haud longe a

The Abbot, by Richard de Lucy his brother, transmits an account of the proceedings to the King.

The King orders the Bishop to leave the Abbot in peace until his return to England.

Henry II. returns to England after Easter; lands at Southampton, and proceeds to London. The Abbot meets him at Richard de Lucy's castle of Ongar; (see p.x.) and the King gives a day to the Abbot to appear before him at Bury, at Whitsuntide then next.

prædicto castro situm secessit, *Hou* nomine, opperiens ibi diem sibi præscriptum.

1157, May 19.

Henry II. holds a Court or Great Council at Bury St. Edmund's, to which the Abbot and Bishop had been specially summoned, and a day given to them thereon; but the King being unable then to attend to their business, he gives them another day at Colchester, on Thursday then next, 23 May.

(23.) Anno igitur ab incarnatione dominica *MCLVII.* anno scilicet *tertio* regni *Henrici* prædicti Regis junioris, *Henrici* magni ex filiâ nepotis, mense secundo ex quo de transmarinis partibus, ubi anno præcedente transierat, idem Rex repatriavit, et quo exercitum duxit in *Walliam*, die *Pentecostes*, quem tunc die festi *Sancti Dunstani* anni revolutio in orbem celebrandum reduxerat, idem memorandus Princeps, apud Sanctum Edmundum, diademate insignitus regali, multis ibidem convenientibus, Archiepiscopo scilicet *Cantuariæ*, Episcopis, Abbatibus, Comitibus, Baronibus et populi multitudine, diem, ut decebat, festive transegit: inter hos igitur venerabiles etiam, ut prædictum est, *Hilarius Cicestrensis* Episcopus et *Walterus* Abbas de *Bello*, propter controversiam prædictam libertatum et dignitatum Ecclesiarum suarum diu inter illos habitam sedandam, ab eodem magnifico Principe, dato eis ibidem die peremptorio, convocati sunt; quia vero Rex, aliis ibidem occupatus negotiis, illorum causam tunc determinare nequivit, terminum eis apud *Colecestriam* præfixit, quia illuc a *Sancto Edmundo* recedens venturus erat. *Die Jovis proximo* omnes ibidem, et etiam numero plures adveniunt.

May 24.

The King calls in certain persons to assist him as his Council, j

(24.) In crastino, die scilicet *Veneris*, Abbas cum *Ricardo de Luci* fratre suo, Regem adiit; jussusque a Rege, in capitulum monachorum ibidem Deo servientium, secessit, expectans ejus adventum. Rex vero, missâ auditâ, capitulum intravit, præcipiens ut nullus nisi quem ipse vocaret ex nomine ingrederetur: accivit itaque *Thomam* Cancellarium, Comitem *Legcestriæ* *Robertum*, *Ricardum* de *Humez* Tribunum, *Ricardum* de *Luci*, *Warinum* filium *Geroldi*, *Nicholaum* de *Sigillo*. Affuit cum

eis quidam in arte medicinæ peritus, *Radulfus* nomine; affuit, et *Henricus de Essexia* Regis Tribunus, jam ante a Rege ad abbatem in capitulum missus. Supervenit etiam frater ejusdem Regis junior, *Willielmus* nomine, et cum aliis juxta illum resedit. His itaque ibi cum domino Rege residentibus, Abbate etiam cum tribus monachis suis considente, *Ricardus de Luci* ita exorsus est—" Domine mi Rex, vestra summonuisse dignata " est excellentia, quatenus Abbas de *Bello*, frater meus, huc " veniret; ut querela inter illum et *Cicestrensem* Episcopum de " dignitatibus et libertatibus ecclesiarum suarum diu habita, " coram vobis fine potiretur. Adest Abbas cum cartis et privi- " legiis suis"—Tunc jussit Rex Abbati cartas ecclesiæ suæ palam proferre: legit itaque *Thomas* Cancellarius cartam Regis *Willielmi* magni coram illis; quâ perlecta, Rex in manus eandem accipiens atque undique circumspiciens, magno extollere dignatus est favore, benedicens animæ illius Regis incliti, qui affectu tam magnifico ecclesiam illam a se constructam dilexit, et eam tam magnis libertatibus et dignitatibus præmunivit. Iterum legit *Cancellarius* aliam ejusdem Regis *Willielmi* cartam super negotio Abbatis propriam, quam similiter Rex in manus accipiens atque circumspiciens, jussit eam cum aliis diligenter reponi et magnâ diligentîâ custodiri. Contestabatur etiam quod si quandoque, Deo inspirante, abbatiam fundaret, nullius nisi *Bellensis* ecclesiæ libertates et dignitates suæ præscribi ecclesiæ. Aliorum etiam regum, *Willielmi* scilicet regis junioris et *Henrici* regis, cartis et carta simul suo confirmata sigillo inspectis, jussit simili modo reponi et diligenti custodia servari.

" Ralph the Physician,"
(see p. xv.)

Richard de Lucy, on behalf of the Abbot, his brother, makes a proffer of the Charters of the Conqueror.

..... which are read before the Court by the Chancellor, Thomas à Becket.

.... the King inspects them, and orders them to be deposited together with the Charters of William Rufus, Hen. I. and his own.

(25.) Tunc Cancellarius Abbatem intuens—" Domine " — inquit—" Abbas, Episcopus *Cicestrensis* ratione ut multis videtur contra vos utitur permaximâ, obiciens vos in ecclesiâ " *Cicestriæ* professionem fecisse; quocirca vestræ dilectioni pro- " videndum est."—Abbas vero, se nil contra dignitatem et

The Chancellor declares that the Abbot is bound to reply to the objections taken by the Bishop of Chichester, who alleges that he has made his profession in the Cathedral.

The King takes a distinction respecting the effect of such professions.

Richard de Lucy opens in favour of the Abbey of Battle, which, as he alleges, ought to be protected by the King and by all Normans, as the place where William the Conqueror gained the victory, by virtue whereof the King possesses his Crown, "and we have been extremely enriched."

Robert, Earl of Leicester, follows on the same side.

Robert, Earl of Leicester, follows on the same side.

1157, May 28.

Henry II., assisted by certain Prelates, Barons and others, holds his Court

libertatem ecclesiæ suæ egisse testatus est; Rex autem Cancellarium respiciens—"Professio"—ait—"non est contra dignitates ecclesiarum; non enim qui professionem faciunt nisi quod debent promittunt." *Ricardus de Luci* hæc audiens, iterum sic cepit—"Domine, celsitudo vestra libertates audivit et dignitates, a nobili rege *Willielmo* Ecclesiæ suæ, quam cognominavit *de Bello*, eo quod ibi Deus victoriam sibi de inimicis suis contulit, traditas; quas etiam Ecclesia eadem, quæ est capella vestra et signum regiæ coronæ vestræ, hucusque inviolabili jure servavit. Magna itaque dignitate ecclesia illa a vobis et a nobis omnibus *Normannis*, dico, extollenda est; quia ibi ille nobilissimus Rex *Willielmus*, Dei gratia parentumque nostrorum adquisivit auxilio, unde vos, Domine Rex, coronam regni *Anglici* hoc tempore jure hereditario possidetis; nosque omnes opulentiâ maximâ ditati sumus. Rogamus igitur clementiam vestram quatenus prædictam ecclesiam cum dignitatibus et libertatibus suis vestræ auctoritatis dextera protegat, et ea omnino cum suis omnibus, sicut semper in antecessorum vestrorum fuisse temporibus dignoscitur, liberam esse præcipiat: quod si vestræ hoc non placet auctoritati, voce peto supplicii quatenus Abbatem, fratrem meum scilicet, a loco illo amoveatis; ne illius tempore quæ ecclesia prædicta antecessorum suorum tempore inviolabili jure visa est possedisse, lugeat se amisisse." His Comite *Rotberto Legacestriæ* atque etiam ut Rex eandem ecclesiam sicut suam coronam et parentum eorundem acquisitionem servaret, cum aliis conclamante, Rex affirmabat se nullo modo his animum suum præbere, quo prædicta ecclesia libertates et dignitates suas suis temporibus videretur perdidisse, sed cum episcopo locuturum et omnia in pace dispositurum. Sic igitur surgens ad alia negotia sua tetendit perficienda.

(26.) Die itaque *Martis* post *Octavas Pentecostes*, Rex mane capitulum monachorum intravit; comitantibus secum Archie-

piscopis *Teodbaldo Cantuariensi, Rogero Eboracensi*; Episcopis etiam *Ricardo Lundonensi, Rotberto Exoniensi, Rotberto Lincolniensi*; Abbatibus *Silvestro ecclesiae Sancti Augustini Cantuariæ, Gaulfrido Holmensi, Thoma Cancellario Regis*; Comitibus etiam *Rotberto Legacestrensi, Patricio Saresberiensis*; Baronibus etiam nonnullis, *Henrico de Essexia, Reginaldo de Warennæ, Ricardo de Luci, Warino filio Geroldi*, aliisque nonnullis; populi que insuper multitudine non modicâ. Assunt etiam et Episcopus *Cicestrensis, Hilarius*, Abbasque *Bellensis Walterus*. Ventilato igitur negotio ibidem, quod inter venerabilem *Theodaldum Cantuariæ Archiepiscopum* et *Silvestrum ecclesiae sancti Augustini* quæ sita est extra muros civitatis Cantuariæ, Abbatem erat, de professione scilicet ejusdem Abbatis ecclesiae *Christi Cantuariæ* faciendâ, reticentibus omnibus *Ricardus de Luci* surgens et in medio stans, omnibus intenta aure audientibus, Regem hic verbis alloquitur—"A magnifica excellentiæ vestræ
 "gloria, domine mi Rex, virtuti cujus fortuna conjuncta est,
 "venerabili fratri meo *Waltero* rectori ecclesiae vestræ de *Bello*
 "in hujus loci consistorio, contra reverendæ auctoritatis Episcopum *Cicestrensem, Hilarium*, pro dignitatum et libertatum
 "ecclesiarum suarum controversia sedanda diu inter illos habita,
 "hodierna lux adveniendi constituta est. Jussis itaque vestris obtemperans in præsentia adest vestrâ, in omnibus, salvo honore
 "vestro et jure ecclesiae vestræ sibi commissæ, si quis eidem quicquam obicere voluerit paratus satisfacere. Verum illa ecclesia
 "vestra de *Bello*, a nobilissimo Rege *Willielmo* ob victoriam a Deo in eodem loco de inimicis suis sibi prestitam a fundamētis edificata, magnis est dignitatibus atque libertatibus
 "præmunita, quas usque hodie intemerato jure tenuisse comprobatur: magnificis igitur a vobis, Domine rex, et a nobis,
 "omnibus *Normannis* scilicet, ecclesia illa extollenda est præconiis; quia ibidem inclitus Rex ille *Willielmus*, nutu Dei,

.... in which after the cause pending between the Archbishop of Canterbury and the Abbot of St. Augustin had been discussed.....

Richard de Lucy resumes his address on behalf of the Abbot of Battle, again insisting upon the "nobility" of the Norman Abbey!

Richard de Lucy, speaking in the name of the Norman nobility then assembled, urges the King to defend Battle Abbey against its adversaries, and particularly against the wiles of the English.

“ consilioque et auxilio parentum nostrorum, inimicos suos,
 “ regnum Angliæ et coronam injuste ab eodem auferre conantes,
 “ devicit; sibi et successoribus suis regnum coronamque
 “ Angliæ adquisivit; ex cujus consanguinitatis propinquitate jure
 “ hereditario vos in ejusdem regni solio omnis regni populus
 “ nunc regnare congaudet, nosque ejusdem collati beneficii
 “ dono et ex parentum nostrorum successione possessionum et
 “ divitiarum copiam possidemus. Quocirca, Domine, regum ex-
 “ cellentissime, omnis hæc *Normannorum* nobilium votis sup-
 “ plicat intimis coadunatio, quatenus locum illum, ut vestri et
 “ nostri signum triumphi, in propria dignitate et libertate
 “ contra omnes sibi adversantes, et quammaxime adversus
 “ *Anglorum* insidias, vestra regalis protegat severitas; ut nullus
 “ eidem nocendi pateat introitus. Siquidem vestræ placitum
 “ hoc non fuerit voluntati, jubeat fratrem meum, loci illius
 “ Abbatem, illis parcere locis, atque amici alterius futuri cedere
 “ loco. Satiùs enim est illum amisso pastoralis curæ officio pri-
 “ vatum, monachum et pauperem vitam libere transcurrisse,
 “ quam celsâ sede residentem, et quorundam calliditate jugo
 “ indebito servitutis oppressum, libertates et dignitates prædictæ
 “ ecclesiæ, hactenus a prædecessoribus suis intemerate præde-
 “ cessorum vestrorum auctoritate conservatas, ut signi regiæ
 “ coronæ vestræ et acquisitionis suæ, omnis *Normannorum* nobi-
 “ litas ejusdem temporibus lugeat se amisisse.”

The Abbot then prays that the Conqueror's Charter may be read.

(27.) His dictis, eo residente, Abbas surrexit, atque his verbis locutus est — “ Domine mi, sicut *Ricardus*, frater meus, hic
 “ patenti ratione ostendit, huc jussu vestro adveni. Si quis quic-
 “ quam contra nos vel contra dignitates et libertates Ecclesiæ de
 “ Bello opponere voluerit, vestro consilio, cujus ecclesia prædicta
 “ dominica capella est et signum coronæ vestræ regiæ, objectis
 “ respondebimus. Veruntamen dignum est ut cartæ ecclesiæ

„ illius a nobili Rege *Willielmo*, in fundamento ipsius ecclesiæ
 “ conscriptæ, et a successoribus suis et a vobis etiam confirmatæ
 “ in presentiâ vestrâ et omnium hic vobiscum consistentium
 “ primitus, si jubetis, audiantur.”—Tunc idem Abbas tradidit
 cartam Regis *Willielmi* magni Domino Regi, jussusque ab eodem
 quidam ex clericis in auditu omnium perlegit. Quâ perlectâ,
Thomas, Regis Cancellarius, Episcopum *Cicestrensem* respiciens,
 dixit,—“ Domine Episcopo, audivit caritas vestra, quæ hic coram
 “ Domino Rege, omnibus audientibus, acta sunt. Nunc igitur,
 “ si quid contra hæc vestræ placuerit prudentiæ respondere,
 “ licitum est. Ad vos enim, ut nobis videtur, respicit parabola
 “ hæc.”—Tunc Episcopus surgens, ita exorsus est.

The Charter of William the Conqueror being read by one of the “ Clerks,” Thomas à Becket, the Chancellor, informs the Bishop that the reply lies with him.

(28.) “ Non studio sane, ut multorum moris esse dignoscitur,
 “ per orbem vagandi, sed amore et honore vestri, Domine
 “ mi Rex, hujusmodi inscius oppositionis, in his regni vestri
 “ partibus, cum aliis præsentibus conveni. Quocirca, si vobis
 “ et Abbati aliisque hic vobis coram positis dulci compla-
 “ ceret affectu, salvo jure ecclesiæ nostræ *Cicestriæ* et ecclesiæ
 “ de *Bello*, pacis compositio inter me et prædictum Abbatem,
 “ vobis mediantibus fieri foret possibile. Etenim huc tali
 “ ordine adveni. Quod si hoc vestro non insedissee animo
 “ cognoverim, ingruente necessitate, pro me et pro ecclesia
 “ *Cicestriæ* mihi commissa, ut hujusmodi inpræmunitus oppo-
 “ sitionis et ignarus, satisfaciam.”—Renuentibus quibusdam
 pacis fieri compositionem; dicentibus etiam rem illam diu inter
 illos habitam fine digno debere concludi nec in posterum pro-
 longari, Episcopus, voce elevata, reticentibus omnibus, dixit.—
 “ Quia pax compositionis inter nos, vobis impredientibus, fieri
 “ non potest: ego quæ ecclesiæ meæ *Cicestrensis* juris sunt, et
 “ rem inter nos hactenus habitam, patienti ratione, Domino Regi
 “ omnibusque hic consistentibus pandam.”—Hac igitur usus
 ratione hoc modo incepit.

Reply of the Bishop, in which he intimates a wish for an amicable compromise.....

which proposal being objected to by the Court, the Bishop declares that he is ready to proceed.

The Bishop opens his argument, in which he maintains the supremacy of the Pope, and that no Bishop or other Ecclesiastic can be deposed without the command or permission of the Papal See.

The King interrupts him by a jocular remark, that a Bishop could nevertheless be expelled by force.

The Bishop, without noticing the interruption, proceeds to argue, that no layman, not even a king, can confer any ecclesiastical dignity or liberty without the Pope's assent.

The King, with great anger, desires him to desist from this attack upon the royal authority...

(29.) "JESUS CHRISTUS, Domine mi Rex,"—et repetens,—
 "JESUS CHRISTUS Dominus noster,"—tertioque reiterans,—
 "audite," inquit, "omnes, et intelligite,—JESUS CHRISTUS Domi-
 " nus noster binas mansiones potestatesque binas in hujus seculi
 " dispositione constituit, unam scilicet spirituales, alteram mate-
 " riales. Spiritualis illa est, de qua Dominus JESUS CHRISTUS
 " in primo pastore nostro, *Petro* scilicet Apostolo, omnibus
 " discipulis suis eorumque successoribus pronuntiavit, dicens,
 " 'Tu es *Petrus*, et super hanc petram edificabo ecclesiam meam ;'
 " unde, ut caritas vestra novit, ab ejusdem temporis novitate,
 " in ecclesiâ Dei mos inolevit, quatenus pastores ecclesiæ sanctæ,
 " ejusdem beati Apostolorum principis *Petri* vicarii existentes,
 " Ecclesiæ Dei sanctæ digna gubernatione præsiderent. Hinc,
 " nobis ecclesiæ Dei præidentibus, in illis beatis Apostolis, a
 " domino JESU CHRISTO dictum est, 'Qui vos audit, me audit.'
 " Hinc etenim ecclesia Romana, ejusdem apostolorum principis
 " Apostolatum insignita, tantam tamque magnificam, per totius
 " mundi latitudinem obtinuit principatûs dignitatem, ut nullus
 " episcopus, nulla persona ecclesiastica, absque ejus judicio vel
 " permissione a sede ecclesiastica deponi possit."—Ad hæc Rex
 " protensis manibus—" Verissimum est,"—ait—" Episcopum non
 " posse deponi, sed ita manibus pulsus protensis poterit expelli."
 " Arridentibus universis, Episcopus iterum sic cœpit. " Sicut jam
 " dixi iterum jam dico, hoc modo statum ecclesiæ ab antiquis
 " temporibus constitutum fuisse, neque ulli personæ laicali,
 " imo etiam nec Regi cuiquam, ecclesiis quibusque dignitates
 " vel libertates ecclesiasticas dare licet; vel ab iisdem attri-
 " butas eisdem, nisi ejusdem patris permissione vel confir-
 " matione ratas fore non posse jure romano, ecclesiastica probat
 " auctoritas."

(30.) Tunc Rex ira commotus—" Contra dignitatum regalium
 " auctoritates mihi a Deo concessas, calliditate argutâ niti præ-

“ cogitas; unde tibi fide et sacramento mihi astricto præcipio,
 “ quatenus de verbis presumptoriis, coronæ et dignitati regiæ
 “ contrariis, equitati rectitudinis subjaceas; præsentibus vero,
 “ Archiepiscopos scilicet et Episcopos, ut de te justitiam
 “ mihi rectitudinis impendant, salvo jure regiæ coronæ mihi
 “ a summa majestate concessæ, obsecro. Agis enim, ut patet,
 “ contra dignitates regales; atque libertates ab antiquitatis jure
 “ mihi concessas, a majestate regali demere elaboras.”—Murmure
 itaque in populo contra Episcopum concitato, vix sedari potuit.
 Tunc Cancellarius—“ Haud dignum est a cordis vestri excidisse
 “ memoria, Præsul venerande, cujus excellentiam¹.
 “ enim in dominum nostrum Regem, cui fidei sacramentum
 “ vos fecisse nulli dubium est. Unde prudentiæ vestræ provi-
 “ dendum est.”—Episcopus videns se ab omnibus, majestate
 regiâ offensâ, circumventum, tandem, murmure sedato, ora-
 tionem suam hoc modo prosequitur.—“ Domine mi, si quid ex
 “ ore meo, vestræ regali intempestivum majestati constat fore
 “ prolatum, Domini cæli vestramque regalem testor dignitatem,
 “ nil me contra vos vel contra vestræ dignitatis excellentiam
 “ versuta calliditate protulisse. Ego enim vestram omnimodis
 “ peroptavi paternitatem, extuli excellentiam, magnificavi dig-
 “ nitatem: vos, ut Dominum, præcordiali affectu semper dilexi
 “ carissimum. Nihil igitur in me mali vestra rogo regalis cel-
 “ situdo suspicetur; neque hoc suggerenti cuiquam facile credat.
 “ Nil enim a vestra potestate minui cupio, quam semper et
 “ dilexi et pro viribus meis magnificavi; ad honorem igitur et
 “ decus vestræ celsitudinis omnia protuli.”

...and Thomas à Becket and the other members of the Court join in expressing their disapprobation.

Bishop Hilary explains that he did not wish to diminish the King's authority

(31.) Ad hæc Rex—“ Procul hic honor,”—inquit,—“ atque
 “ decus hoc a nobis et a nostris amoveantur, quibus ea, quæ
 “ antecessorum meorum regum auctoritate et hereditario jure,

But the King does not accept his explanation.

¹ As blank in the MS.

“Dei cooperante gratia, mihi concessa sunt, blandis atque fallacibus, ut omnibus patet, annullari cupis sermonibus.”

Bishop Hilary states how the Abbot attended his consecration; . . .

(32.) Tunc Episcopus—“Omnia, Domine mi, quæ hic, vobis audientibus, a me studiose prolata sunt, pace vestra omniumque hic ut proposueram consistentium, me ratus sum perorasse; quia vero a me incepta non placent, omissis his, rem propositam paucis expediam.” — “A piissimo Rege *Stephano*, Ecclesiæ *Cicestriæ* Antistes datus *Cantuariam* profectus sum, a venerabili *Teodbaldo*, ejusdem loci Archiepiscopo, ut canonicum est, sacrandus. Ibi affuit et Abbas de *Bello*, sciens hoc justum esse et canonicum, ad sacrationem scilicet sui Episcopi, in cujus diocesi manere dignoscitur convenire. Fecit igitur quod debuit: reversus vero ad sedem meam *Cicestriæ*, ibidem Abbas idem convenit; et cum aliis festive indutus in sede propriâ ab eodem, sicut ubique consuetudinis habetur, sum collocatus. Idem etiam in illo eodemque anno summonitus *Cicestriam* petiit, festiveque indutus in sinodo cum aliis præcepta consuetudinesque sinodi consedit auditurus. Haud longo postmodum tempore, ut canonicum est, parrochiam meam circumiens, *Bellum* deveni, atque ab eodem Abbate et omnibus fratribus loci ejusdem honorifice indutis, sicut loci illius proprius et specialis Episcopus, processionaliter receptus sum; inde cum eodem capitulum intrans verbum Dei loci illius fratribus, sicut filiis, seminavi: et, ut patrem decet, filios in fide catholica confirmavi. Hinc ad hospicium deductus, honorifice ut decebat, sicut suo Episcopo, quæ necessaria erant impendit, atque inde recedentem muneribus me suis decenter ditavit.”

. . . and how, when visiting his diocese, he was received in the Abbey.

Henry de Essex observes, that the Bishop makes a bad return to the hospitality which had been shewn to him.

(33.) His *Henricus de Essexia*, Regis Tribunus, respondit—“Bene voluntateque benigna ab illo acta, a vobis sinistra remuneratione sunt accepta; malum enim pro bonis vobis collatis nunc illi rependere vultis; atque utinam; tali quis-

“quam remuneratione acceptus, vobis in posterum haud præ-
 “beat hospitium.”—Episcopus autem ex tunc inquit—“Do-
 “mine mi carissime, nescio quo idem usus consilio, a synodo se
 “subtraxit, summonitusque ipse, venire renuens, Priorem
 “Ecclesiæ suæ cum quibusdam fratribus suis ad sinodum des-
 “tinavit. Pro amore illius nihil in hoc mali estimans, semel
 “iterumque atque tercio hæc patiens, grato animo accepi; hæc
 “itaque omnia inter nos, ut audistis, pacifice acta sunt; donec,
 “Episcopo *Lundoniæ* mortuo, nescio quo aut invidiæ vel super-
 “biæ spiritu idem inflatus, rectis oculis me intueri non poterat.
 “Sperabat enim me sibi fortuitu, ut credo, in illo nocuisse
 “negotio quod omnino probare non poterit.”—Ad hæc *Henricus*
de Essexia—“Si de episcopatu *Lundoniæ* agere dilectio vestra
 “voluerit, profecto omnibus notum est, Abbatem istum illius
 “honoris ambitione quicquam contra Deum vel sacrum ordinem
 “illum simoniace aliquo tempore agere noluisse quod; si, ut
 “nonnulli, pecuniâ mediante, in sede illa collocari affectaret,
 “omnes pro certo repulsam passi, intronizari præ omnibus me-
 “ruisset.”—His *Ricardus de Luci* subjunxit—“Absit hoc ab
 “eo, ut intercessore tali tam sacrum tamque magnificum ordi-
 “nem adipiscatur: nullum enim mortalium nobis novimus in
 “hoc opere fore verendum.”—Submurmurantibus nonnullis,
 Episcopus spiritum resumens, orationem inceptam proseguitur.

The Bishop continues to state that the Abbot absented himself from the Synod, and sent his Prior and certain monks in his stead....

...imputes the ill will between him and the Abbot, to the wish which the latter had formed of being translated to the See of London, in which the Abbot supposed he had been thwarted by the influence of Bishop Hilary. Henry de Essex and Richard de Lucy justify the Abbot.

(34.) “Res igitur, Domine mi, extunc inter nos in dubio posita
 “est; nec quisquam nostrum ab opere incepto declinare voluit.
 “Tunc quidam ad me venientes intimaverunt, Abbatem, hac de
 “causa, sinodum petere noluisse, quod cartis et privilegiis suæ
 “utens ecclesiæ, earum extollebatur auctoritate, dicendo se
 “canonicam *Cicestriæ* ecclesiæ minime exhibere obedientiam
 “debere. Quod, postquam accepi, nolens Ecclesiam meam
 “ab antiquis suis et justis, meis temporibus, minui dignitatibus,
 “Abbatem cum quâdam parochiæ meæ personâ aliâ, sinodum

Bishop Hilary resumes.

He states how he had published the conditional sentence of excommunication against the Abbot

The Bishop continues to state that the Abbot elected himself from the Synod, and sent his Prior and certain monks in his stead.

The Bishop, without noticing the interruption, proceeds in his address to the King, stating how the Abbot had persevered in his contumacy;

...that when he, the Bishop, appeared before King Stephen, the Abbot made default, whereupon he returned home, and in due time pronounced the sentence of excommunication, which he afterwards released at the instance of the Archbishop.

Henry de Essex tells the Bishop that he would not have ventured to pronounce the excommunication if King Stephen had then been living.

The Bishop, without noticing the interruption, proceeds in his address to the King, stating how the Abbot had persevered in his contumacy;

...that when he, the Bishop, appeared before King Stephen, the Abbot made default, whereupon he returned home, and in due time pronounced the sentence of excommunication, which he afterwards released at the instance of the Archbishop.

“ apud *Cicestriam* petere, tempore constituto, summonitum nec
 “ venientem interdixi: eo tamen tenore, quod si infra quadra-
 “ ginta dierum spatium satisfactorius non veniret, ab officio suo
 “ suspensus cessaret. Verum persona alia, supplice voce, veniam
 “ petens obtinuit, Abbate in sententiâ permanente. Quod
 “ Abbas ut audivit, Regem *Stephanum* adiit, atque illi super
 “ hoc questum intulit: Rex vero quendam ex clericis suis, *Rot-*
 “ *bertum de Cornuilla* nomine, ad me misit, mandans quod
 “ die *Octavarum Sancti Andreae, Lundonias* coram eo venirem,
 “ et quod Abbas etiam ibi convenire deberet; atque ibi, consilio
 “ Archiepiscopi *Cantuariensis* et Baronum suorum, pacis foedus
 “ inter nos poneret. Die constitutâ, coram Rege affui; ibi
 “ itaque nec Abbas neque quisquam pro eo, ut tunc omnibus
 “ patuit, contra me advenit. Ita igitur ad propria reversus
 “ sum, Abbate in sententia permanente. Post illius anni cur-
 “ riculum, in sinodo solemni, secundum canonum statuta, illum
 “ excommunicavi, Abbas vero, hoc accepto, Archiepiscopo retulit.
 “ Archiepiscopus autem, ipsius Abbatis precibus, litteris suis mihi
 “ mandavit, quatenus sententiam relaxarem, donec in unum con-
 “ veniremus; ipse enim inter nos omnia bene disponderet. Pro
 “ honore ipsius domini Archiepiscopi, sententiam ad tempus
 “ relaxavi.”—Tunc *Henricus de Essexia*—“ Rege *Stephano* de-
 “ functo, si hoc veritati innititur, vos ita fecisse constans est,
 “ quo vivente nunquam ausu temerario vos probatur hoc præ-
 “ sumsisse. Non enim expediret vobis. Quid nunc Dominus
 “ noster factururus sit, suo juri et potestati committitur.” Ita
 “ Episcopus subintulit. “ Tunc res inter nos habita est, nec
 “ aliquo tempore Abbas ad satisfactionem venisse comprobatur.
 “ Postquam dominus noster JESUS CHRISTUS, Domine Rex, vos
 “ in regni hujus solio collocavit, quod mihi præ omnibus gra-
 “ tissimum fore constat, Abbas nec mihi, ut suo Episcopo, quæ
 “ debebat exhibuit, nec meæ ecclesiæ, *Cicestrensi* scilicet: immo
 “ etiam me, ubique vitando, spernebat, atque verbis turpissimis

“ ubique pro posse suo diffamabat. Accidit autem quod idem
 “ cartas Ecclesiæ suæ in sigilli vestri renovatione confirmari
 “ disponderet. Pervenit itaque ad aures meas in ejusdem cartis
 “ contra Ecclesiæ meæ *Cicestrensis* dignitates, et etiam contra
 “ *Cantuariensis* Ecclesiæ, matris videlicet totius *Angliæ*, aliqua
 “ contineri. Quod Archiepiscopo, sicut illi, cui omnes nos pro-
 “ fessionem fecisse nulli dubium est, et cui etiam et Ecclesiæ *Can-*
 “ *tuariæ* canonicam per omnia debemus obedientiam, intimare
 “ curavi. Archiepiscopus vero vos inde convenit; ego etiam pro
 “ me, et pro ecclesia mea *Cicestriæ*, querimoniam coram vobis
 “ deposui. Præcepit igitur clementia vestra, quatenus coram
 “ Episcopo, ego et Abbas, cum Cancellario vestro domino *Thoma*,
 “ conveniremus; ibique lecta Abbatis carta, consilio Archiepiscopi,
 “ ea quæ corrigenda erant, ea scilicet quæ contra dignitates præ-
 “ dictarum ecclesiarum, *Cantuariæ* scilicet et *Cicestriæ*, existe-
 “ bant correcta, unusquisque quæ sui juris esse viderentur
 “ adquisisse gauderet. Convenimus ibi, lectâ igitur coram
 “ assistantibus cartâ Abbatis, ea quæ contra dignitates *Can-*
 “ *tuariensis* Ecclesiæ et *Cicestrensis* erant, justâ consideratione,
 “ peremptoria esse præcepta sunt. Abbas, irâ commotus, multis
 “ me ibidem et maximis aggressus est injuriis; nec solum
 “ duntaxat tunc, set anno etiam præsentî, *Cicestriam* veniens,
 “ capitulum nostrum cum nimîâ arrogantîâ intravit; atque
 “ multis et innumerabilibus modis in præsentia Conventûs
 “ mei, minando atque spernendo me dijudicavit. Hac itaque
 “ ratione et hoc modo, Domine mi carissime, rerum series inter
 “ nos hactenus habita est. Peto igitur excellentiam vestram,
 “ quatenus antiquam et justam canonum institutionem inter
 “ nos ratam per omnia esse, atque hæc more ecclesiastico deter-
 “ minare præcipiat.”

..and how the Arch-
 bishop of Canterbury
 had stayed the renewal
 of the Battle Charters..

..and that all matters
 contained in the Char-
 ters, contrary to the pri-
 vileges of the Churches
 of Canterbury and Chi-
 chester, had been de-
 clared to be void.

(35.) Tunc Rex—“ Mirum et mirandum nimium hic audi-
 “ vimus; cartas scilicet prædecessorum meorum Regum, justa
 “ dignitate coronæ *Angliæ* et magnorum virorum testimonio

The King, speaking
 with great indignation,
 denies the right thus
 assumed by the ecclesi-
 astics of annulling the

Royal Charters, or that the decrees made by the King with the advice of his Archbishops, Bishops, and Barons should be repealed by the Bishops [acting in his spiritual capacity.]

The Abbot's reply—in which he states that the question of exemption having been disputed between Stigand and Gausbert, the Charter of William the Conqueror had been granted to confirm the privileges of the Abbey.

Charter, containing the clause of exemption, produced, and read by one of the Clerks.

The Bishop protests that he had never been able to obtain a sight of this Charter. The Abbot attempts to answer; but the King silences both.

... Declares that the determination of the question belongs entirely to him

“confirmatas, a vobis, Domine Episcopo, peremptorias esse
 “judicatas. Absit hoc, absit a Regni mei excellentiâ, ut quod,
 “ratione dictante, consilioque Archiepiscoporum et Episcoporum
 “atque Baronum meorum, a me fuerit decretum, a vobis et a
 “vestri similibus damnandum esse judicetur.—Tunc Abbas—
 “Ab antiquis temporibus, regnante *Willielmo* Rege nobilissimo,
 “omnia hæc, ut a senioribus Ecclesiæ nostræ accepimus, coram
 “eodem Domino nostro Rege, *Lanfranco Cantuariensis* Archi-
 “episcopo et aliis quampluribus Episcopis præsentibus, *Stigando*
 “etiam tunc *Cicestriæ* Episcopo in presentia ejusdem Regis
 “consistente, qui *Gausbertum* ecclesiæ de *Bello* Abbatem primum
 “super his infestabat, summonendo illum ut sinodum apud
 “*Cicestriam* peteret et alia omnia Episcopalia persolveret, deter-
 “minata sunt. Unde et cartam ipsius domini Regis super hoc
 “negotio propriam, *Lanfranci Cantuariæ* Archiepiscopi et alio-
 “rum nonnullorum episcoporum, sed et etiam ipsius *Stigandi*
 “*Cicestriæ* episcopi, testimonio² confirmatam, præsentem habe-
 “mus.”—Hæc dicens, tradidit cartam Regi, atque eam unus ex
 clericis, ejus nutu, omnibus audientibus, perlegit. Hæc itaque
 inter alia, in illa continebantur carta, “Quod ecclesia,” scilicet
 de *Bello*, “libera sit omnino a subjectione *Cicestrensis* Episcopi,
 “neque ad sinodum Abbas summoneatur; nisi ipse pro aliqua
 “re sponte ire voluerit.”

(36.) His perlectis, Episcopus se cartam illam nunquam
 vidisse vel audisse affirmabat, neque Abbatem sibi aliquo pacto
 eam pandere voluisse; Abbate nonnulla contra obiciente, Rex
 eidem ut taceret præcepit.—“Non enim”—inquit,—“hoc a
 “modo vestræ dirationandum incumbit prudentiæ, sed me, uti
 “proprium atque Regale tueri decet negotium; quapropter vestra
 “interim sileat fraternitas, nobis hoc evidenti ratione, atque
 “regali protectione uti proprium determinantibus. Ad nos itaque

² No Charter confirmed by Stigand is extant: the second Charter relating to the exemption of Battle is addressed to him—(Mon. vol. iii. p. 245.)

“hujusmodi spectat negotii diffinitio.” Multis igitur super his hinc inde habitis, tandem silentio imposito, *Ricardus de Luci* surgens, Regem voce supplice exoravit, quatenus Abbati de *Bello*, fratri suo, super his respondendi consilium cum amicis suis secretius habere liceret. Rege his annuente, advocans *Rogero* *Eboraci* Archiepiscopum, *Thomam* Cancellarium Regis, *Johannem* Thesaurarium *Eboracensis* ecclesiæ, *Robertum* Comitem *Legacestræ*, *Patricium* Comitem *Sarisburie*, *Henricum* de *Essexia*, *Reginaldum* de *Warennæ*, *Warinum* filium *Geroldi*, et aliorum nonnullorum Baronum et militum multitudinem non modicam, cum fratre suo Abbate, omnibus his sibi coherentibus, in unam capituli partem secessit, atque super his eorum sententiam perquirere cepit. Rex, missam interim auditurus, Ecclesiam adiit, iterumque post missam ibidem rediens in sede sua resedit: *Ricardus de Luci*, cum Abbate et omnibus sibi junctis consilio communicato, rediit, impositoque responsionis sermone *Thomæ* Cancellarii Regis, omnibus audientibus, facunda oratione, hoc modo idem responsum reddidit heros.

..But Richard de Lucy begs that the Abbot his brother may be allowed to take counsel with his friends,

..which is granted to him.

(37.) “Diu, Pater reverende *Hilari*, questionis a vestrâ prudentiâ habitæ seriem retexentes, certa equitatis ratione, certis etiam procerum præsentium suffragiis, nonnulla referre decrevimus. In primis igitur venerabilis Abbas *Gauterius* grates vestræ prudentiæ quam maximas refert, quod pro beneficiis vobis ab eodem collatis illum in tanta, tamque ut hic nunc constat, curia magnifica, præsentibus etiam tantis tamque viris nobilibus, magnifica laude extollitis. Quod si illis temporibus in tanta tamque curia excellenti sibi hoc tam maxime laudis extollentis imputandum speraret, profecto ut fatetur beneficium amplificaret. Verum inde quam maximo dolore conficitur, quod pro beneficio ab eo, benigna animi devotione, vobis collato, ut omnibus hic præsentibus patens est, vice versa veneficia illi omni mentis annisu rependere satagitis:

Reply of Richard de Lucy, in which he argues that the voluntary tokens of respect and submission, shewn by the Abbot, did not prejudice the rights granted by the Charter.

“ nunc igitur contra sibi objecta hoc modo responsum refert.
 “ Si *Cantuariam* petens, in sacratione vestra præsens extitisse, et
 “ post apud *Cicestriam*, vobis obvis in sede vestra solemniter
 “ vos collocasse, nec non et in sinodo vestra resedissee cum ceteris
 “ comprobatur; dignitate et libertate ecclesiæ suæ de *Bello*, teste
 “ etiam carta sua hic perlecta, utrumlibet sibi aut fecisse licet
 “ horum vel minime egisse; neque enim vinculo aliquo a vobis
 “ ut hæc rigore ecclesiastico persolvere debeat constrictus est.
 “ Quippe cum vestræ non subjaceat ditioni, immo, teste cartâ
 “ suâ prædictâ, liber est omnino ab omni subjectione vestra,
 “ Archiepiscopum etiam, dominum nostrum *Cantuariensem*
 “ scilicet, contestatur hoc se ipso præcipiente perfecisse.”

Thomas à Becket, Chancellor, further argues, that the reception of the Bishop was merely an act of hospitality, such as might have been shewn to a foreign Prelate.

The Abbot disclaims all ill arising out of his supposed wish to obtain the See of London.

As to the proceedings before King Stephen, the Abbot asserts that

(38.) Ad hæc Archiepiscopus—“ Verum est, illum me præci-
 “ piente hæc effectui mancipasse.” “ Quod parrochiam ves-
 “ tram—” Cancellarius inquit—“ ut consuetudinis habetur, cir-
 “ cumiens *Bellum* petistis, atque a fratribus loci illius, Abbate præ-
 “ sente, processionaliter susceptus extitistis, indeque capitulum
 “ illorum intrans, verbum Dei illis seminastis, omnibus ultra citra-
 “ que mare existentibus Ecclesiis consuetudinarium esse dignos-
 “ citur: Episcopo *Hiberniensi* vel etiam *Hispalensi* vel cuilibet ali
 “ hunc dignitatis et caritatis honorem, absque ulla consuetudinis
 “ exactione gratis impendere licitum foret. De episcopatu vero
 “ *Lundoniæ*, hoc vestræ Abbas intimare procurat prudentiæ,
 “ quod nec vultu, neque actu, nec etiam nutu aliquo vobis
 “ quicquam pro illo eodemque episcopatu, *Lundoniæ* scilicet,
 “ significationis contrariæ ingessit; quippe cum in illius dispo-
 “ sitione negotii, nil contra se a vobis mali suspicatus fuerit.
 “ Sed, ut quodam in loco dictum est, conscius ipse sibi omnia
 “ putat contraria sibi; pro re quidem a vobis gesta, remordente
 “ fortuitu conscientia, illum simplici vultu gradientem, nunquam
 “ recto vos lumine sperabatis intueri potuisse. Quod illum
 “ sinodum apud *Cicestriam* petere summonitum nec venientem

“interdictum a vobis insinuastis; et ob hanc causam Regem
 “*Stephanum* per *Rotbertum de Cornuilla*, clericum suum, vobis
 “coram illo hæc determinanda diem præfixisse; vosque ibidem
 “nullo ex parte Abbatis vobis obvio convenisse, sicque inde
 “recessisse, Abbas e contrario refert se, scilicet coram Rege
 “*Stephano*, die statuta, præsentibus Episcopis, *Wintoniensi*
 “scilicet et *Heliensi*, necnon et Abbate *Westmonasterii* et etiam
 “Baronibus nonnullis, in capella ejusdem Regis, juxta *Turrem*
 “*Lundoniæ* sitam, convenisse: atque ibi a venerabili *Wintoniensi*
 “Episcopo, cartis et scriptis suæ Ecclesiæ perlectis, Rege sibi
 “suggerente, se capellæ suæ, Abbatia scilicet de *Bello*, ubique
 “protectorem fore, vosque super hoc convenire, atque omnia
 “inter vos pacificare ad propria, ipso præcipiente reversus est. Ad
 “sinodum vero, summonitione aliqua, nisi spontaneæ [voluntatis]
 “ire voluerit, teste cartâ suâ hic perlecta, et more antiquitatis in
 “ecclesiâ suâ hactenus conservato, compelli non poterit; unde,
 “ut verum fatear, ire ad sinodum vel non ire, ejusdem juris et
 “spontaneæ voluntatis esse comprobatur: quippe cum vestræ,
 “ut omnibus patet, non subjaceat ditioni, sed liber omnino ab
 “universa vestra existat subjectione, illum a vobis excom-
 “municatum perhibetis. Hoc illi omnibusque suis mirandum
 “videtur, quia tempore Regis *Stephani*, nil hujusmodi super
 “illum presumptione temeraria vos constat egisse: quid igitur
 “hujus nunc domini nostri Regis tempore a vobis actum sit
 “incognitum habet; præsertim cum primo regni sui anno,
 “ipso Domino nostro Rege in ecclesia Sancti *Petri Westmonas-*
 “*teriensis*, vobis utrisque cum aliis multis præsentibus, missam
 “audiente, ubi ventum est ad *pax Domini*, vos, ut moris habetur,
 “pace a sacerdote accepta, Domino Regi attulistis, atque Abbati
 “vobis statu propinquiori juncto postmodum ejusdem pacis
 “osculum, non ut excommunicato, sed ut filio ecclesiæ et
 “Christiano tribuistis.”—Ad hæc Episcopus.—“Si in hoc, aut
 “animo inscienti vel nonnullis, ut multotiens provenit, cogita-

they were mis-stated by the Bishop, and that the Abbot appeared before the King,—obtained a declaration in his favour—and returned home by the King's command—i.e. not in default.

Any attendance at the Synod of Chichester was voluntary.

And with respect to the excommunication, the Chancellor argues as if he doubted the fact, alleging the occasion when the Bishop gave the Kiss of Peace to the Abbot he did not treat him as a person excommunicated, but as a brother.

Upon which the Bishop seems to confess that he did so, but without consideration.

“tionibus occupatum, temerarie constat me deliquisse, mea
 “culpa, peccatum meum Domino meo Archiepiscopo confessus,
 “penitentia mihi ab eodem injuncta delictum illud diluam.”

Thomas à Becket resumes his discourse, and argues that the Charters do not infringe the dignity either of the Archbishopric of Canterbury or of the See of Chichester, they having been confirmed by the King, his Prelates, and Barons.

(39.) “In cartis Ecclesiæ suæ de *Bello*,”—Cancellarius
 “inquit—quæ capella regis propria omnibus esse patens est,
 “contra *Cantuariensis* ecclesiæ vel etiam vestræ, *Cicestrensis*
 “scilicet, dignitates, nil novi insitum, omnibus quam maxime
 “præclarissimum est. Ab inclito enim Rege *Willielmo* eadem
 “ecclesia constructa, maximis et præclaris dignitatibus, *Lanfranco*
 “*Cantuariensi* Archiepiscopo, aliisque Episcopis, Abbatibus
 “Baronibus que nonnullis, juxta coronæ *Angliæ* dignitatem, cum
 “Rege suo confirmantibus, ecclesia prædicta confirmata est, quas
 “etiam usque hodie inviolabili jure tenuisse comprobatur, quas
 “etiam præcepto domini Regis, coram domino nostro Archiepis-
 “copo *Cantuariensi* non vobis pessima ingerendo sed ratione
 “vigenti, easdem a vobis peremptorias judicatas defendendo, ut
 “regales, nobis audientibus, retinere cupiebat. In capitulo vestro
 “*Cicestrensi* eundem hoc anno, absentibus vobis, superbe intrasse,
 “et vos multis modis ibidem dijudicasse opponitis; quod evidenti
 “ratione, non superbe, ut asseritis, sed coactus et pacifice se hoc
 “egisse demonstrat. Duo namque Decani vestri, *Lewensis*
 “scilicet et *Hastingensis*, cum quinque sacerdotibus in testi-
 “monium, in quadragesimæ initio *Bellum* venientes, litteras
 “domini Papæ *Adriani* a vobis, ut rei veritas est, perquisitas,
 “Abbati protulerunt: summonentes eum etiam ex parte ipsius
 “Papæ ut *Dominica*, quæ dicitur *Lætare-Jerusalem*, *Cicestriam*
 “veniret, ibi auditurus ejusdem domini Papæ precepta. Quia
 “vero, domino nostro Rege in transmarinis partibus tunc
 “constituto, illum super hoc adire nequibat, cum domino
 “nostro *Cantuariensi* Archiepiscopo et quibusdam amicis suis
 “consilio communicato, *Cicestriam* die statuta petiit, atque in
 “capitulum, domini Papæ auditurus precepta, præsentibus illis

...Justifies the conduct of the Abbot when cited to appear before the Chapter

“ duobus decanis et supradictis quinque sacerdotibus, intravit.
 “ Ibi etiam illi duo decani, quæ Abbati apud *Bellum* prætulerant,
 “ et quæ illis Abbas retulerat, vivâ testificati sunt voce. Ibi
 “ clerici vestri, contra auctoritatem Regiæ dignitatis, quædam
 “ ab eo exigebant; Abbas vero, ut inducias sibi, quo Dominum
 “ nostrum Regem adire atque ejus super hoc consilium et volun-
 “ tatem audire posset, darent petiit, sed ipsis renuentibus easdem
 “ impetrare nequivit. Verum etiam insuper, hoc a vobis illis
 “ impositum, neque aliud quam illis præceptum extiterat agere
 “ potuisse, testati sunt. Hoc modo Abbas inde recedens omnia
 “ Domino Regi, ut erant, per nuntium suum significavit. Do-
 “ minus vero noster Rex, vobis, utrisque dico, super his diem
 “ præsentem constituit.”

... Accuses the Bishop of having attempted to infringe the royal authority, by his application to the Pope.

(40.) Tunc Rex, vultu mutato, Episcopum respiciens dixit—
 “ Numquidnam litteras has ut hic recitatum est perquisistis?
 “ Super fidem et sacramentum quod mihi debetis, ut veraci hoc
 “ mihi proferatis sermone præcipio.” Episcopus vero—“ Super
 “ fidem et sacramentum quod vobis feci ut Domino, has litteras
 “ nec per me neque per alium quemlibet, me sciente, excellentia
 “ vestra noverit esse perquisitas: verum Abbas quendam ex
 “ clericis suis *Romam* nuper mittens, me ibidem in curiâ
 “ *Romanâ* multum nimiumque diffamavit. Ego autem in illâ
 “ curiâ omnibus notus sum, et cujus honestatis vel moralitatis
 “ sim, omnibus ibidem commanentibus, haud incognitum est: per
 “ illum enim ibidem me infamari impossibile est; fortuitu ergo
 “ per illum litteras illas sibi perquisivit.” Tunc Rex—Mirum
 “ et nimium stupendum videretur, Abbatem videlicet contra
 “ se suamque Ecclesiam hæc, si ita se res habet, perquirere
 “ voluisse.” His Cancellarius subjecit—“ Si alio modo quam a
 “ vobis ut hic relatum est, has litteras perquisitas probare voluerit
 “ dilectio vestra, Abbas en præsens est, litteras in manu tenens.
 “ Legantur litteræ, videatur quorsum illarum vergat intentio;

The King expresses great indignation at the conduct of the Bishop in procuring the Papal Rescript or Bull.

The Bishop denies that the Bull was procured with his knowledge or assent, and insinuates that it was obtained at the instance of the Abbot himself.

The King intimates that he does not believe this statement to be true. Thomas à Becket desires that the Bull may be read, in order that its tendency may be understood; and the Archbishop of Canterbury testifies his astonishment at the Bishop's assertion.

“sicque rei veritas comprobabitur.” Archiepiscopus autem audiens Episcopum litteras ab eodem perquisitas coram omnibus denegasse, sciens omnia ut erant, et quod litteræ ab eodem Episcopo perquisitæ fuissent, signo crucis pro nimia admiratione se signavit.

Thomas à Becket inquires, in the King's name, whether the Bishop has obtained any other Bulls which were injurious to the Abbot, and which the Bishop denies.

(41.) Tunc Cancellarius — “ Non solum duntaxat de his litteris, Dominus noster Rex veritatem scire proposuit, verum etiam si alias quaslibet litteras vos aut alium quemlibet per vos in præsens vel in posterum Abbati aut ecclesiæ de *Bello* nocivas, noveritis possedisse, ut in medium proferatis præcipit.” Episcopus vero neque litteras illas præsentis nec alias quaslibet vel alius quislibet per ipsum Abbati vel ecclesiæ de *Bello* tunc aut in posterum nocivas jurejurando affirmabat, mirantibus omnibus, habuisse.

The Archbishop of Canterbury requests the King to allow the business to be ended according to the course of the Canon Law; but the King refuses to allow the Clergy to determine the question.

(42.) His tali modo coram domino Rege habitis, Archiepiscopus *Cantuariæ* Regi dixit—“ Præcipiat excellentia vestra nos super his quid faciendum sit consilio retractare atque ordine judiciario consuetudinis ecclesiasticæ determinare.” “ Non ita,”—inquit Rex—“ hæc per vos determinari præcipiam: verum ego vobis comitantibus, consilio super his habito, fine recto concludam.” Hæc dicens surrexit, et in cimiterium monachorum omnibus secum præter Episcopum et Abbatem comitantibus secessit. Consilio igitur communicato, misit Rex pro Episcopo. Qui veniens, atque cum aliis residens, multis super his cum eodem habitis, tandemque termino finali conclusis, Rege præcipiente, *Henricus de Essexia* Abbatem cum monachis suis adduxit. Quo cum aliis residente, Rege innuente, Episcopus omnibus audientibus sic locutus est:

The King withdraws with his Court, leaving the Bishop and the Abbot by themselves. The Bishop is sent for, and is admitted to a conference with the King; the Abbot is then introduced.

Acknowledgment made by the Bishop before the King, in which he re-

(43.) “ Ego *Cicestrensis* Præsul ecclesiæ, o Rex excellentissime, ecclesiam de *Bello* sicut vestram dominicam et propriam capel-

“ lam, in qua et super quam nil juris habere juste possum vel
 “ debeo, ab omnibus rebus vel calumniis a me illi hactenus
 “ oppositis quietam et omnino clamo liberam. Abbatem etiam
 “ absolvens, sicut illum cui vinculum anathematis injuste imposui,
 “ quia nec potui juste nec debui; a quo etiam, dignitate suâ et
 “ suæ ecclesiæ præcellente, nil nisi interveniente caritatis gratiâ
 “ exigi potuisse vel debuisse me protestor; atque a die hodierno
 “ in perpetuum ab omnibus Episcopalibus exactionibus et consue-
 “ tudinibus simili modo proclamo liberum.” Ad hæc Rex—
 “ Non coactus sed voluntarie hoc te fecisse et protulisse con-
 “ stans est.”—Episcopus—“ Verum est, me hoc voluntarie, justa
 “ ratione cogente, fecisse necnon et protulisse.” Tunc Archi-
 “ episcopus—“ Justa, Domine Rex, his determinatione conclusis,
 “ omnes vestram una deprecamus clementiam, quatenus si qua
 “ contra vestræ celsitudinis indebita dignitatem, imprudenti vide-
 “ tur Episcopus protulisse sermone, nobis flagitantibus, pacis os-
 “ culo prælibato, vestra indulgere illi dignetur clementia.” “ Non
 “ solum,”—Rex inquit,—“ semel tantum modo pacis osculum, sed
 “ omnia illi si qua sunt indulgens centies vestris precibus atque
 “ ipsius dilectione flexus tribuam.” Assurgensque atque am-
 “ plexus Episcopum deosculatus est Archiepiscopus—“ Nunc igitur
 “ Episcopus et Abbas ut amici se deosculando, pacis fædus inter
 “ se vestra confirmatione retinentes, in posterum in pace perma-
 “ neant.” Tunc Episcopus et Abbas, Regis præcepto se de-
 “ osculantes, Archiepiscopo signo crucis super illos faciente, pacis
 “ et dilectionis fædere juncti, concordēs effecti sunt. Archiepis-
 “ copus—“ Adhuc quiddam restat, quod in hac scilicet pacis et
 “ dilectionis concordia venerabilis Abbatis frater, *Ricardus de*
 “ *Luci*, Episcopo jungatur.” Qui illico, Rege præcipiente, utpote
 “ vir modestiæ atque prudentiæ virtute insignis, Episcopo pacis
 “ osculum, oblitis occasionibus omnibus, prælibavit. His itaque
 “ rite perfectis, omnibus de pacis dilectione inter illos hoc modo
 “ confirmata congaudentibus, Rex ad alia negotia sua inde rece-

nounces all jurisdiction
over the Abbot.

The King commands the
Bishop to acknowledge
that his submission was
voluntary and not en-
forced.

The Archbishop in-
duces the King to par-
don any imprudent ex-
pressions used by the
Bishop.

dens tetendit perficienda. Abbas vero ad propria, Rege concedente, reversus est; Dominum JESUM CHRISTUM et beatissimam Mariam matrem ejusdem, necnon et beatum CHRISTI confessorem Martinum, qui nunquam deserit sperantes in se, cum suis collaudans, et gaudio magno pro voto suo exultans adepto.

(44.) Hoc igitur fine et termino finali, res ista diu in dubio posita, in præsentiâ Domini nostri regis *Henrici Secundi*, præsente etiam *Theobaldo Cantuariensi Archiepiscopo*, *Rogero Eboracensi Archiepiscopo*, *Ricardo Lundoniensi Episcopo*, *Roberto Lincolnensi Episcopo*, *Roberto Exoniensi Episcopo*, *Silvestro Abbate Sancti Augustini Cantuariensi*, *Gaufrido Abbate Holmiensi*, *Thoma Cancellario Regis*, *Roberto Comite Legacestriæ*, *Patricio Comite Saresburie*, *Henrico de Essexia Regis Tribuno*, *Ricardo de Luci*, *Reginaldo de Warennæ*, *Guarino filio Geroldi*; præsente quoque ipso *Cicestrensi Episcopo Hilario*, et eodem Abbate prænominato *Waltero*, et aliis tam clericis quam laicis multis, v *Kalendis Junii* apud *Colecestriam* determinata est.

Names of Members of
the Court of Henry II.
present at the settle-
ment of the dispute
28 May, 1157.

II.

Pleadings concerning Right of Wreck in Dengemarsh.

(1.) SUB iisdem itaque diebus, (anno *MCXXXIX*º. aut circa) tempestate prævalente, contigit navem quandam variis sumptibus refertam, de *Rumenel*, terra Archiepiscopi *Cantuariensis*, super terram ecclesiæ de *Bello* in *Dengemareis*, membro de *Wi*, confractam, hominibus vix evadentibus, jactari. Sciendum autem est hoc pro lege ab antiquitate per maris littora observatum; ut, navi fluctibus contrita, si evadentes infra statutum terminum et tempus, eam minime reparâssent, navis et quæcumque appulsa forent absque calumnia in dominium terræ illius, et in werrec cederent. Sed supra memoratus Rex *Henricus*, hanc abhorrens consuetudinem, tempore suo, per imperii sui spatia edictum proposuit, quatenus si vel unus e navi confracta vivus evasisset, hæc omnia obtineret. Verum quum novus Rex cedit, et nova lex; nam, defuncto eo, regni primores, edicto recente pessundato, morem antiquitûs observatum sibimet usurpârunt; unde factum est ut homines de *Dengemareis*, secundum maritimas consuetudines et regales dignitates ecclesiæ *Belli*, prædictum werrec vi obtinerent: quo agnito, Archiepiscopus curiam adiens, coram Rege de Abbate de *Bello*, quod in hac re vi et hostilitate usus fuisset, querimoniam fecit.

Vessel belonging to Romney wrecked on Dengemarsh, the crew being saved.

Ancient law of wreck.

How altered by Hen. I.

Vessel seized by the men of Dengemarsh, in consequence whereof the Archbishop comes before the King (Stephen) and prefers his complaint.

The King orders the Abbot to appear before him in his court.

(2.) Nec mora, Rex Abbatem mandans coram se venire fecit. Quibus a conventu nobilium apud regiam ventilatis curiam, cum studio et arte *Willielmi de Ypra*, qui *Cantiæ* comitatum tunc possidebat, Rex quoque Archiepiscopo favens, Abbatem ut pacis transgressorem arguebat, quod scilicet contra Regis *Henrici* sancita fecisset. Post plurimam utrinque controversiam, tandem sic curia sedatur; nam Abbas, ratione usus premeditatâ, Regem *Henricum* pro libitu antiqua patriæ jura mutare in

The Abbot admits that Henry I. could alter the custom of the country during his own reign; but that such alteration not being made with the consent of the Baronage, did not endure beyond his life.

The Abbot is allowed
his Court.

diebus suis posse testificatus est, sed non nisi communi Baronum regni consensu in posterum rata fore; unde si, id unum calumni-
batur, suæ dignitatis compatriotæ, Barones scilicet qui aderant, cum regalis curiæ assensu concessissent, et ipse libens cederet. Cumque præsentibus regni Primores hæc uno ore contradicerent, in communi tandem decretum est, ut, eâdem soluta curiâ, Abbas regia dignitate, hinc suam nactus curiam, apud *Dengemareis*, die denominato, hominibus Archiepiscopi advenientibus omnem rectitudinem teneret. Sed in hoc conventu, verbum memoriale, quo magis regius emollitus est animus, providum dixisse Abbatem contigit.

(3.) Nam cum argueretur, ad Regem conversus intulit—
“Nunquam”—inquiens—“te diutius, O Rex, coronam Angliæ
“ferre Deo sit placitum; si tantillùm ecclesiæ nostræ libertatem,
“a Rege *Willielmo* et ab aliis antecessoribus tuis Regibus datam,
“et observatam destruxeris.” Verum, Abbate diem constitutum observante, ante diem sequentem ex parte Archiepiscopi nullus advenit; unde transgressionis iudicio obmutescens, cum frustrati discessissent, iterum ad regias aures hujus rei querimonia ab Archiepiscopo delata est. Abbas iterum mandatus advenit, causisque expositis, a communi consensu adjudicatum est, Abbatem suam causam derationâsse, nec ab Archiepiscopo tunc aliquam calumniam ulterius pati debere: atque, in his, soluta curia, singulis in sua regressis, reverendus Abbas hæc omnia unde agitur pro libitu disponens, aliquibus sumptibus qui appulsi fuerant, Archipræsulem et suos pacificavit, præcipua tamen sibimet et suæ ecclesiæ de *Bello* retinuit; sicque hujus rei querimonia quievit.

III.

How Abbot Walter recovered certain Lands in Bernehorn, which had been unjustly usurped by Gilbert de Baillol.

(1.) Dum adhuc Anglorum gubernacula teneret inclytus Rex *Henricus*, nobilissimi Regis *Willielmi*, *Anglicæ* monarchiæ conquisitoris et ecclesiæ Sancti *Martini* de *Bello* fundatoris, filius, felicitis memoriæ Abbas *Radulfus*, qui tunc temporis eidem ecclesiæ præerat, a quodam *Ingelranno* cognominato *Beccheneridere*, homine *Widerelardi* de *Baillol*, ipso *Widerelardo* consentiente, tres wistas terræ in *Bernehorne*, dato pretio comparavit. Addidit autem gratis de proprio idem *Widerelardus* quandam partem terræ in marisco, præfatis tribus wistis contiguam; et tam ab homine suo, *Ingelranno* scilicet, comparatam, quam et donum proprium eidem ecclesiæ de *Bello* concessit. Et ut eadem terra omnino libera ab omni servitute et ab omnium hominum calumniâ in perpetuum eidem ecclesiæ remaneret, a jam dicto Rege *Henrico*, et a Comite *Augi* magnifico *Henrico*, Domino ejusdem *Widerelardi*, confirmata est.

Abbot Ralph purchases land of Ingelrannus Becchenerider, the Man, or vassal, of Widerelard de Baillol; to which purchase Widerelard himself adds a gift of a portion of the adjoining marsh, . . . gift confirmed by Henry I. and by Henry Count of Eu, Widerelard's chief Lord.

(2.) Cum vero, multo jam labore, multisque expensis in domibus et in agriculturis, instaurata esset eadem terra, molen-dino etiam optimo in marisco facto, jamque plurimum commodi expectaretur; præcipue cum esset ecclesiæ contigua, quasi quin-que millibus distans, Abbate *Radulfo* huic vitæ finem faciente, et *Warnerio* succedente, Dominus fundi eundem Abbatem *Warnerium* convenit, frequenter ab eo plurima exigens, tanquam pro beneficii recompensatione. Sed cum Abbatem jam tæderet ejus exactionum, reputans ne forte mala exinde traheretur consequentia, jamque ea quæ idem fundi Dominus frequenter exigebat, fructus a jam dicta terra provenientes viderentur excedere, Abbas manum omnino retraxit; nec se de cætero

Under Abbot Warner, the mesne Lord (Baillol) attempts to exact payments for the land, and at last he enters into possession; and grants an hypothecation thereof to Siward the son of Sigar.

The Abbot and his procurators prefer their complaints to the King; but Henry I. dying in parts beyond the seas, no redress is obtained.

Turbulence of the reign of Stephen; Abbot Warner not only unable to obtain justice, but suffers further spoliation.

Abbot Walter prefers his complaint to Henry II. who orders a Writ of Right, ne amplius, &c., to issue, addressed to John Count of Eu, the Chief Lord of the Fee.

Gilbert de Baillol, the mesne Lord, evades the process.

hujusmodi vexationibus et exactionibus velle subjacere, constanter asseruit. Cernens idem exactor, se quæsita pro velle assequi non posse, totam præfatam possessionem quasi in jus suum redigens, ecclesiæ de *Bello* subduxit, eamque cuidam *Hastingensium*, *Siwardo* nomine, *Sigari* filio, accepta ab eo pecunia, in vadimonium tradidit. Hac itaque violentiâ spoliata est ecclesia, non tantum terra ipsa, sed et expensis, et omnibus quæ tunc temporis in ipsa reperta sunt. Quod cum satis ægre Abbas et ejus procuratores accepissent, et hinc magnas et multimodas querimonias movissent, domino Rege *Henrico* in transmarinis partibus ab hac vita subtracto, nullam juris sui restitutionem habere potuerunt.

(3.) Succedente Rege *Stephano*, cujus temporibus, justitia minus prævalente, qui plus poterat plus faciebat, sicque interdum cedebat unicuique pro jure quod quoquo modo diripisset, ecclesia *Sancti Martini* de *Bello* non modo prædictum tenementum de *Bernehorn*, sed et alia per plurima sui juris violenter sublata recuperare nequivit, licet frequenter inde moveretur calumnia.

(4.) Succedente post decessum Regis *Stephani* inclyto Rege *Henrico*, prioris *Henrici* nepote, qui avita tempora renovaret, cum jam *Warnerius* Abbas cessisset, eique vir venerabilis Abbas *Walterus* successisset, idem Abbas *Walterus*, quo Regi familiaris fieret obtinuit, sicque coram eo super jam dicto tenemento de *Bernehorn*, querimoniam movit. Rex igitur, ad Abbatis instantiam, litteris suis *Johanni*, tunc Comiti *Augi* præcipiendo mandavit, ut Abbati super prædicto tenemento plenum rectum teneret, aut, si non faceret, Vicecomes *Sussexiæ* hoc faceret, ne Rex inde amplius clamorem audiret. *Gilebertus* vero de *Baillol*, qui tunc temporis dominus fundi videbatur, super hoc multis modis conventus, et per Comitem, Vicecomitem, Abbatem,

et suos requisitus, per plurimum tempus actum subterfugit, et ne conflictum iniret multipliciter dissimulavit. Unde, licet plurimum temporis casso labore consumeretur, noluit tamen Abbas coeptis desistere; sed Dominum Regem, tum per se, tum per suos sæpe conveniens, ut causa ipsa in curiam Regiam transferretur, tandem obtinuit. Sed Domino Rege, nunc in *Nor-manniam* transfretante, nunc in *Angliam* redeunte, negotiisque propriis insistente, cum causa eadem coram Justiciis qui vice Regis in ejus Curia præsidebant diutius ventilaretur, licet Rex, nunc mandatis, nunc præceptis, Abbati plenitudinem justiciæ frequentissime indiceret exhiberi, nunquam tamen res digno potuit fine concludi.

The Abbot, after much instance with the King, procures the removal of the cause into the Curia Regis; but in consequence of the King's absence from England the cause continued long pending, undecided before the Justices who acted as his Lieutenants.

(5.) Domino Rege tandem apud *Clarendonam* moram faciente, post multa adversæ partis subterfugia, post dissimulationes plurimas, post Abbatis et suorum fatigationes multimodas, utrique parti regiâ indicitur auctoritate, ut, die determinato, regio tribunali apud locum præfatum, sine omni subterfugio et dissimulatione, debeant pariter assistere. Cum igitur excusationi jam locus non esset, adsunt utrinque, Domino Rege pro tribunali residente, astant in medio unus ex monachis Abbatis, *Osmundus* nomine, et *Petrus de Chriel*, Miles, qui, ab initio totius causæ incipientes, qualiter jam dicta terra de *Bernehorn* ex parte fuerit ecclesiæ Sancti *Martini de Bello* data, ex parte comparata, qualiter post modum ablata, quousque etiam jam per plurimum tempus post litis ingressum transactum processum sit in causa, coram Rege et ejus assessoribus ex ordine exposuerunt; conqueri etiam adjicientes super plurima et dispendiosa negotii dilatione, et Abbatis ac suorum frequenti ac inani fatigatione.

The King gives the parties a peremptory day to appear before him in person at Clarendon.

The Abbot appears by his Attornies, Osmond, a Monk of Battle, and Sir Peter de Chriel, or Kiriell.

(6.) Cum igitur jam nihil esset in quo recordationi prosecutionis causæ possit merito contradici, curia regia in omnibus testimonium perhibente, ex Regis permissione leguntur in

The Chirographs and Charters are read by the King's permission.

Gilbert de Baillol objects that the Chirographs of his ancestors are not under seal.

Richard de Lucy overrules the objection, by stating that according to the ancient custom only Kings and very great personages used seals.

Gilbert de Baillol then cavils at the Charter of Henry I. upon which the King defends its validity.

omnium audientia chirographa emptionis et donationis sed et cartæ confirmationum. Quibus cum quid responderet pars adversa minus haberet, *Gilebertus de Baillol*, ne nihil objicere videretur, se prædecessorum suorum chirographa audisse, sed nulla sigillorum testimonia in eis se appensa causatur videre. Quem intuens vir magnificus ac prudens, *Ricardus de Luci*, ipsius Abbatis frater, tunc Domini Regis Justicia prima, quærit, utrum ipse sigillum habeat? Quo asserente se sigillum habere, subridens vir illustris; “*Moris*”—inquit—“antiquitus non erat
“quemlibet militulum sigillum habere, quod regibus et præcipuis tantummodo competit personis, nec antiquorum temporibus homines, ut nunc, causidicos vel incredulos, malitia
“reddebat.”

(7.) Cumque confirmationi *Henrici* Regis senioris calumniam niteretur inferre idem *Gilebertus*, asserens Abbatem et monachos Domino Regi non pro equitate sed pro voluntate posse persuadere, Dominus Rex propriis manibus cartam et sigillum avi sui Regis *Henrici* apprehendens, et ad eundem *Gilebertum* conversus—“Per oculos”—inquit—“Domini, si cartam
“hanc falsam comprobare posses, lucrum mille librarum mihi in
“*Anglia* conferres.” Illo ad hæc aut parum aut nihil respondente, Rex subintulit verbum memoriale—“Si,” inquit, “monachi
“per similem cartam et confirmationem hujusmodi jus in
“præsenti loco, scilicet *Clarendoniæ*, quem plurimum diligo, se
“habere possent ostendere, nil esset in quo eis juste possem
“contradicere, quo minus eis omnino dimitteretur.”—Conversus igitur Rex ad Abbatem et suos.—“Ite”—inquit—“et consilio
“habito invicem conferte, si forte sit aliquid cui amplius quam
“huic cartæ velitis inniti. Non tamen vos puto ad præsens
“aliam quæsitueros probationem.”—Abeuntes itaque Abbas et sui, super hoc consilium inituri, cartam suam ad omnem probationem esse sufficientem cognoscentes ex verbis Regis ultimis,

quibus dixit, “non vos puto ad præsens aliam quæsituros probationem,” in præsentia Regis et assidentium, habito jam consilio redeunt, se non aliàs inniti, aut aliam quæsituros extra cartam probationem asserunt, nil se majus vel minus extra cartam exigere; super hoc autem se iudicium regiae curiae expectare. Non habente adversa parte quid responderet, quippe cum cartam falsitatis nec auderet nec posset arguere, quia non posset probare, unanimi consensu totius curiae Regiae adjudicatum est Abbati et ecclesiae Sancti *Martini de Bello* omnia debere restitui, quæ cartæ suæ exigebat testimonio.

The land is adjudged to the Abbot.

(8.) Cernens *Gilebertus de Baillol* se tenemento de *Bernehorn* esse destitutum, in omnium obsecrat audientia, catalla militis sui, qui idem tenementum de eo tenuerat, sibi inde tollenda relinqui. Dominus Rex ad hanc petitionem respondens—“Non poteras”—inquit—“manifestius confiteri, quam hoc petendo, te nullum jus “in terra illa habere.” Monuitque Rex ut catalla eis dimitterentur. Ad Regis igitur imperium, fiunt litteræ regio sigillo signatæ, ad quatuor milites qui tunc ex ejus præcepto vicecomitatum *Suthsexie* regebant celerius directæ, ut absque dilatione, terram quam Abbas de *Bello* in curia sua coram eo dirationaverat, scilicet, tres wistas terræ in *Bernehorn* cum toto marisco et decimam quandam de *Bocholte*, Ecclesiae Sancti *Martini de Bello* restituerent; tam integre et tam plenarie, tam libere et quiete tenendam, sicut temporibus Regis *Henrici* avi sui, teste carta sua, tenuerant; designata prius terra ipsa, et terminis ejus peragratis, per duodecim viros fideles de vicinio ipsius tenementi, qui metas ejus scirent, et obligati sacramento veritatem dicerent. Quo suscepto mandato, *Ricardus de Chaaines*, qui unus erat ex quatuor militibus vicecomitatum *Suthsexie* tunc temporis regentibus, sociorum suorum sibi vice commissa jam dictum tenementum adiit, sumptoque tam ab hominibus ejusdem tenementi, quam et ab iis qui in ejus confinio habitabant sacramento,

Writ of execution issued directed to four Knights having the custody of the County of Sussex.

The metes and bounds ascertained by the verdict of a sworn inquest.

metisque designatis, Abbatem et ecclesiam Sancti *Martini de Bello* inde investivit.

Forcible entry made upon the land by Robert de Yclesham, which the Abbot repels by force—(v. p. 225).

Robert de Yclesham repairs to the King's Court and prefers his complaint to the Justiciars, the King being absent

alleging that the Jury had excluded some of his land in their perambulations.

The Abbot brings his Jury before the Court, who are willing to swear again to the truth of their perambulations.

Robert de Yclesham declared in mercy, upon which he takes flight, whilst the Abbot returns home with joy.

(9.) Recuperata hoc modo, licet cum labore et difficultate, sæpe-fata terra, jamque ut putabatur sopitis omnibus cum, remota omni calumnia, nullius esse videretur mali in posterum suspicio, *Robertus* quidam de *Yclesham*, cum matre sua *Matilda*, quoddam pratum infra ambitum tenementi illius positum, repente invasit. Cujus fœnum cum vi conaretur auferre, Abbas præmunitus, congregatis viris quam pluribus, vim vi reppulit, et fenum, parte adversa confusa, sibi reponi fecit. Jam dictus ergo *Robertus*, curiam Domini Regis adiens, et quia Rex non aderat in audientia justiciarum ejus conquerens, homines qui, sacramento præstito, metas tenementi de *Bernehorn* designare debuerant, asseruit plus justo occupasse, et sic cum non traheretur in causa terram suam sibi sublatam esse. Ad ejus itaque instantem querimoniam, Abbas cum hominibus qui terram peragraverant ad curiam agitur, super ea quam idem *Robertus* affirmabat injusticia satisfactorius. Nec cunctatus Abbas, mente robustus, licet corpore invalidus, se die determinato in præsentia Justiciarum apud *Wintoniam* exhibuit, hominibus secum adductis, qui sæpe nominatum tenementum de *Bernehorn* peragraverant, et ejus metas designaverant. Astante *Roberto de Yclesham*, et super terra sua sibi subdole ut asserebat sublata conquerente, procedunt præfati duodecim viri ei in faciem resistentes, iterato sacramentum præstare parati, se non quidem amplius, quin immo ne sacramenti præstiti viderentur transgressores, minus justo suo ambitu conclusisse. Unde idem *Robertus* false questionis reus esse convictus, omnium judicio, misericordiæ Regis addicitur. Quo comperto, clam se subtrahens, fugam iniit, nec calcarium suorum oblitus aut equo parcens prius a fuga destitit, quam ad propria tremebundus perveniret. Abbas vero cum suis ad sua gratabundus rediens, quoad vixit jam dictum tenementum pacifice, omnium sopita calumnia, possedit.

IV.

How Henry II., sitting in Chancery, ordered one of the Conqueror's Charters to be exemplified.

(1.) UNAM ex cartis Regis *Willielmi* fundatoris Monasterii de *Bello*, contigit anno *MCLXXV*. aut circa, in ipso monasterio vetustate dissolvi. Quam cum Abbas Regi porrexisset—"hæc"—inquit Rex—"renovatione indigeret." Abbate ad hoc respondente,— "et nos, ut eam, si placet, auctoritate regiâ renovando confirmetis supplicamus."—"Non hoc"—inquit Rex—"nisi ex judicio curiæ meæ facturum sum." Divertit ad hæc Abbas a Rege, et virum illustrem, *Ricardum de Luci*, adiens, Regis sibi exposuit responsum. Ad quod vir illustris *Ricardus* respondens, "si nostrum"—inquit—"super hoc expectatur judicium, ad effectum petitionis tuæ unanimem invenies totius curiæ consensum."

The Abbot applies to the King for the renewal of the Charter of William the Conqueror, which had been injured by time.

The King having replied, that he would act according to the opinion of his court, the Abbot speaks to Richard de Lucy, who assures him that no objection will be suggested.

(2.) Loco et tempore ex consilio viri illustris *Ricardi* expectato, cum post modicum Rex in medio Procerum suorum resideret, Abbas procedens, cartam suam vetustate dissipatam in conspectu omnium proposuit, et ut regia auctoritate renovaretur expetiit. Rege super hoc, si faciendum esset necne, judicium Procerum requirente,—"Decet,"—inquit *Ricardus de Luci*—"decet vos, si placet, Domine, cartam Ecclesiæ de *Bello* renovare, cujus etiam si omnes cartæ perissent, nos omnes cartæ ejus esse debemus, qui de conquisitione apud *Bellum* facta, feodati sumus. Et quoniam judicium nostrum utrum faciendum sit necne exigitis; ut cartam prædictam regia auctoritate vestra confirmando renovetis adjudicamus."

The Abbot produces his Charter to the King, sitting in the midst of his Great men.

The King asks their opinion respecting its renewal.

Richard de Lucy declares that it would be extremely proper to do so, if the King pleases.

(3.) Rex ad hæc, vocato *Waltero de Constancia*, tunc Cancellario suo, postmodum *Lincolniensi* Episcopo, et post modicum *Rothomagensi* Archiepiscopo, jussit cartam novam, nominis et

The King orders Walterus de Constancia, his Chancellor, to make out a renewal of the Charter.

sigilli regii secundum formam cartæ veteris fieri; præciens cartæ novæ imponi, se confirmationem illam fecisse, pro amore Dei et petitione *Odonis* Abbatis; nomen et meritum ejusdem Abbatis volens esse in recordatione. Et quoniam in cartis et munimentis a diversis personis, diverso tempore, super eodem negotio datis, solet in posterioribus priorum mentio fieri; ita ut quod posterius est videatur præcedentium exigere testimonium, hujusmodi verbis “sicut carta illa vel illius *N.* testatur;” jussit Rex, ne clausula illa insereretur; sed aliam antea inusitatam ipse dictavit, et super his quæ viderat in persona propria testimonium perhibens cartæ præcepit imponi hoc modo; “Quoniam inspexi “cartam *Willelmi* proavi mei, in qua præscriptæ libertates et “quietantiæ et liberæ consuetudines ab eo præfatæ ecclesiæ con- “cessæ continebantur.” Nec dedignatus est inclytus princeps super prædicta clausula reddere rationem—“Si,” inquit—“clau- “sula quæ suppressa est inserta fuisset, carta posterior sine priore “modicum conferret. Nunc vero, nulla in posteriori de præce- “dentibus originalibus facta mentione, hæc carta sola sufficeret, “etiam si omnes aliæ cartæ de *Bello* deperissent.” His a Rege dictis, exegit Abbas a Cancellario et obtinuit ut sibi tres cartas, unam eandemque formam secundum præceptum Regis conti- nentes, scribi, Regisque sigillum singulis faceret apponi: com- missæ sibi Ecclesiæ diligenter in hoc et prudenter prospexit, ut, quoniam possessiones monasterii sunt a monasterio plurimum remotæ, si quando quavis ex causa quamlibet trium cartarum contigerit vel etiam duas extra monasterium alias deferri, una saltem earum ad manum semper haberetur in monasterio.

The King directs that the renewed Charters shall be made in a form, which, until then, had never been used, and which states, that the King himself had inspected the old Charter;....

and the King declares his reason for this form.

The Charter is sealed in triplicate.

(8.) Rex in hunc vocato Willmo de Conventu, tunc Cancellarius, postmodum Episcopus, et postmodum Archiepiscopus, jussit cartam novam, nominis et...

V.

How Richard de Anesty recovered the lands of William de Sackville, his Uncle.

(1.) Hic est sumptus et custamentum quod ego, *Ricardus de Aneste*, posui, in terrâ *Willielmi* Avunculi mei perquirenda. Scilicet in primum, misi quendam hominem meum in *Normanniam*, pro brevi Regis, per quod posui adversarios meos in placitum: qui dimidiam marcam dispendidit in illo itinere. Et cum mihi Nuncius meus breve apportâsset, recepto brevi, porrexi *Sarum* cum brevi, ut ibi in sigillo Reginae reverteretur; et in illo itinere dispendidi duas marcas argenti.

(2.) Et cum inde redissem, audiens quod *Radulfus Brito* deberet transfretare, secutus sum eum usque *Suhamtun*, causâ loquendi cum eo, ut perquireret mihi breve Regis ad Archiepiscopum; quia scivi quod placitum debebat in curiâ ejus divertere: et in illo itinere dispendidi viginti duos solidos et septem denarios, et amisi unum palefridum quem emeram pro quindecim solidis. Et inde reversus cum brevi Reginae, ivi *Angriam*, et tradidi breve *Ricardo de Luci*. Quo viso et audito, posuit mihi diem placitandi apud *Norhanton* in Vigilia Sancti *Andreae*. Et infra hunc terminum misi *Nicholaum*, Clericum meum, propter *Gaufridum de Tresgos*, et propter *Albredam* sororem ejus, scilicet quæ fuit uxor Avunculi mei, quos invenit in *Norfolck* apud *Berneiam*; et in illo itinere dispendidit quindecim solidos, et amisit unum runcinum quem emeram novem solidis.

(3.) Et cum redisset, ivi ad placitum meum apud *Norhanton* cum amicis et auxiliis meis; et in illo itinere dispendidi quinquaginta et quatuor solidos. Abhinc, posuit mihi diem alium apud *Suhamtun* ad quindecimum diem; et in illo itinere dis-

pendidi quinquaginta septem solidos; et in illo itinere amisi unum runcinum qui valebat duodecim solidos. Postea venit *Radulfus Brito*, de *Normannia*, et apportavit mihi breve Regis, per quod placitum fuit remotum in curiam Archiepiscopi; et illud breve apportavi *Theobaldo* Archiepiscopo, quem apud *Wintoniam* inveni; et in illo itinere dispendidi viginti quinque solidos et quatuor denarios; et tunc posuit mihi Archiepiscopus diem ad festum Sancti *Vincentii*; et illud placitum fuit apud *Lamhethe*. Abhinc posuit mihi diem ad festum Sancti *Valentini* Martyris; et in illo itinere dispendidi octo solidos et sex denarios; et illud placitum erat apud *Maidestan*.

(4.) Abhinc posuit mihi diem ad festum Sanctarum *Perpetuæ* et *Felicitatis*; et infra istum terminum ivi ad Episcopum *Wintoniæ*, loqui cum eo, ut testificaret divortium quod ante illum fuerat factum in Synodo *Lundoniæ*; et in illo itinere dispendidi unam marcam argenti. Et, accepto Episcopi testimonio, veni ad diem meum prænominatum, munitus placitandi, et illud placitum erat apud *Lamhethe*; et ibi dispendidi triginta septem solidos et sex denarios. Exinde posuit mihi diem in proximo die *Lunæ* post "*Lætare Jerusalem*." Et infra hunc terminum ivi propter Magistrum *Ambrosium*, qui cum Abbate de Sancto *Albano* in *Norfulc* tunc erat; et in illo itinere dispendidi novem solidos, et quatuor denarios; et *Samsonem*, Capellanum meum, misi pro Magistro *Petro de Melide* usque *Buchingham*; et in illo itinere amisit palefridum suum, quem ei restitui per unam marcam argenti; et septem solidos ibi dispendiderat.

(5.) Perquisitis Clericis prænominatis, veni ad diem meum, cum auxiliis meis apud *Lundon'*; et in illo itinere dispendidi quinque marcas argenti. Exinde posuit mihi diem ad "*Quasi modo geniti*;" et infra hunc terminum misi *Johannem*, fratrem meum, ultra mare, ad curiam Regis, quia dictum fuit mihi, adver-

sarios meos perquisisse breve Regis, se non placituros antequam Rex *Angliæ* remearet. Et idcirco misi fratrem meum propter aliud breve, ne placitum meum remaneret propter breve adversariorum meorum; et in isto itinere dispendidit frater meus tres marcas argenti; et ego ipse interim ivi *Cicestriam* loqui cum Episcopo *Hylario*, ut testificaret divortium quod viderat esse factum ante Dominum *Wintoniensem* in Synodo *Lundoniæ* cujus testimonium recepi, scilicet literas suas, quas misit Archiepiscopo, quibus testificavit divortium: et in illo itinere dispendidi quatuordecim solidos et quatuor denarios. Veni igitur ad diem meum apud *Lundoniam*, cum clericis et testibus et amicis et auxiliis meis; et moratus sum ibi per quatuor dies, quotidie placitans; et in illo itinere dispendidi centum et tres solidos.

(6.) Inde posuit mihi diem *ad Rogationes*. Et cum venissem ad diem meum apud *Cantuariam*, dixerunt adversarii mei, se nolle placitare pro summonitione exercitûs Regis de *Tulus*; et in hoc itinere dispendidi triginta octo solidos, et inde recessi sine die.

(7.) Et secutus sum Regem, et inveni eum apud *Avinlarium*, et moratus sum in hoc itinere tredecim septimanas antequam præceptum Regis potuissem habere placitandi; et in illo itinere dispendidi quatuor libras argenti et decem solidos. Perquisito Regis præcepto, redii; et, invento Archiepiscopo apud *Mortelacum*, præceptum Regis tradidi ei; et posuit mihi diem ad festum Sanctorum *Crispini* et *Crispiniani*, ad quem diem veni *Cantuariam*; et in illo itinere dispendidi viginti quatuor solidos et sex denarios. Et abhinc posuit mihi diem ad octavas Sancti *Martini*, ad quem diem *Cantuariam* veni; et in illo itinere dispendidi viginti novem solidos, duos denarios minus. Exinde posuit mihi diem Dominus *Cantuariensis*, ad festum Sanctæ *Luciæ* Virginis. Infra hunc terminum misi Magistrum *Samsonem*, Capellandum

meum usque *Nincolniam*, pro Magistro *Petro*; et in illo itinere dispendidi dimidiam marcam. Et cum dies placiti mei venit, non potui pro mea infirmitate adire, sed misi esuniatores, qui mihi esuniaverunt apud *Cantuariam*; et in illo itinere dispendiderunt decem solidos. Et abhinc positus est mihi dies ad festum Sanctorum *Fabiani* et *Sebastiani*: et ad illum diem *Lundoniam* veni, ubi Dominus *Cantuariensis* erat; et in illo itinere dispendidi viginti duos solidos et octo denarios. Abhinc posuit mihi diem ad festum Sanctæ *Scholasticæ* Virginis, et veni ad diem meum apud *Cantuariam*; et in illo itinere dispendidi triginta septem solidos et sex denarios. Et inde posuit mihi diem ad *Lætare Jerusalem*, et veni ad diem meum *Lundoniam*; et in illo itinere dispendidi quadraginta tres solidos. Abhinc posuit mihi diem ad *Misericordiam Domini*. Infra hunc terminum misi *Robertum de Furñ* et *Ricardum de Marci*, propter *Gaufridum de Marci*, in quo itinere dispendiderunt decem solidos; et *Robertus de Furñ* ibi amisit unum palefridum de duobus marcis. Et ego ipse ivi ad Episcopum *Wintoniensem* ut certius breve de divortio facto perquirerem; et in illo itinere dispendidi triginta quatuor solidos et quinque denarios. Et inveni Episcopum apud *Ferham* juxta *Portesmue*, et inde mecum reduxi Magistrum *Jordanum Fantasma* et *Nicholaum de Chandos*, qui testificarent vivâ voce quod Episcopus ante testificaverat per breve suum. Et veni ad diem meum, munitus placitandi, apud *Lundoniam*. Et ibi dispendidi tredecim solidos et quatuor denarios.

(8.) Abhinc positus est mihi dies ad *Clausum Pentecostes*; et infra hunc terminum ivi ego ipse ad Episcopum *Nincolnensem* propter Magistrum *Petrum*, qui tunc erat cum eo apud *Stafford*. Et in illo itinere dispendidi viginti duos solidos et septem denarios. Et *Sampsonem*, Capellanum meum, misi propter Magistrum *Stephanum de Binham*, quem invenit apud *Norwicum*:

in quo itinere dispendidit novem solidos. Et tunc veni ad deim meum apud *Cantuariam*, cum clericis et testibus et auxiliis et amicis meis, munitus placitandi; in quo itinere dispendidi quatuor libras et duodecim solidos, quia per duos dies ibi placitavimus.

(9.) Inde posuit mihi diem ad octavas Apostolorum *Petri et Pauli*, et veni ad diem meum apud *Wihingeham*. Et in hoc itinere dispendidi viginti septem solidos et duo denarios. Ab hinc posuit mihi diem ad festum Sancti *Sixti*; et veni ad diem meum apud *Lamheth*, in quo itinere dispendidi octodecim solidos et duo denarios. Inde posuit mihi diem ad Decollationem Sancti *Johannis Baptiste*, et tunc veni ad diem meum apud *Cantuariam*; et in illo itinere dispendidi viginti tres solidos. Inde posuit mihi diem ad festum Sancti *Lucæ Evangelistæ*.

(10.) Interim transfretavi, ut quærerem a Domino Rege licentiam appellandi *Romam*; et in illo itinere amisi unum palefridum, quem sexdecim solidis emeram, et dispendidi sex marcas et quinque solidos. Et, acceptâ licenciâ, veni ad diem meum apud *Lundoniam*, et appellavi *Romam* ad *Lætare Jerusalem*, et ad illud placitum dispendidi sedecim solidos et octo denarios. Post hoc quæsivi breve Archiepiscopi appellationis, et renuit mihi illud ibi dare. Sed posuit mihi diem recipiendi illud apud *Cantuariam*, ad quem diem veni, et recepi breve meum sine sigillo; ut monstrarem illud advocatis meis si rationabile esset: in quo itinere dispendidi quindecim solidos. Et postea misi breve illud per *Samsonem* Capellanum meum, *Nincolniam*, monstrare illud Magistro *Petro de Melide*, in quo itinere dispendidit quinque solidos et sex denarios. Postea misi idem breve Magistro *Ambrosio*, quem invenit nuncius apud *Binham*, in quo itinere dispendidit octodecim denarios; et, emendato brevi ab advocatis meis, reportavi illud *Cantuariam*, ut insigillaretur.

Et, viso brevi, noluerunt illud tale insigillare ; sed aliud mihi tradiderunt sine sigillo. Inde, accepto brevi, ivi monstrare illud Episcopo *Cicestrensi*, et, audito ejus consilio, redii : in quibus itineribus dispendidi duas marcas argenti. Et iterum misi illud breve per *Sampsonem*, Capellanum meum, Magistro *Petro*, in quo itinere dispendidit dimidiam marcam argenti. Idem breve remisi Magistro *Ambrosio* apud Sanctum *Albanum*. Et, accepto eorum consilio, et emendato brevi, ivi ad Archiepiscopum apud *Wihingeham* ; et ibi insigillatum est breve meum ; et in hoc itinere dispendidi decem solidos. Et cum redissem, misi *Johannem*, fratrem meum, apud *Wintoniam*, ut perquireret breve Episcopi, de testimonio divortii, ad Dominum Apostolicum. Et ego ipse ivi ad Episcopum *Cicestrensem*, quem inveni apud *Sarum*, ut testificaret divortium per breve suum Domino Apostolico, sicut antea fecerat Archiepiscopo ; et in illo itinere dispendidi septemdecim solidos, et *Johannes* novem solidos ; secundo et tertio misi eundem fratrem meum apud *Wintoniam*, antequam utile breve possem habere ; et in illis duobus itineribus dispendidit novemdecim solidos. Ex hinc paravi clericos meos, et misi illos *Romam* ; scilicet *Samsonem*, Capellanum meum, et Magistrum *Petrum de Littleberia*, et unum hominem ad serviendum illis : in quorum apparatu, scilicet in equis et in pannis, dispendidi quinque marcas argenti. Et in illo itinere *Romæ*, dispendiderunt viginti quinque marcas argenti. Et quando remeaverunt, dixerunt quod quadraginta solidos plusquam eis tradideram dispendiderant, quos eis præstitit quidam Clericus Episcopi *Nincolniensis*, qui in comitatu eorum erat, quos illi reddidi. Et, accepto brevi Domini Papæ, portavi illud Episcopo *Cicestrensi* et Abbati *Westmonasterii*, quibus missum fuerat, ut in eorum curiâ deduceretur placitum meum ; et in his itineribus dispendidi octodecim solidos et novem denarios. Postquam viderunt apostolicum præceptum, statuerunt mihi diem placitandi, apud *Westmonasterium*, octavo die post festum Sancti *Michaelis* : et

veni ad diem meum, cum advocatis et amicis et testibus et auxiliis meis; et ibi morati sumus tribus diebus, antequam placitarem, pro præceptis Domini Regis, quibus Episcopus et Abbas intendebant; et in illo itinere dispendidi quatuor libras et decem solidos. Et exinde posuerunt mihi diem, ad octavas Sancti *Martini*. Infra hoc terminum misi *Johannem*, fratrem meum, propter *Gaufridum de Marci*, qui mihi testis assisteret, qui pro infirmitate venire non potuit; sed misit filium suum in loco sui. Et in illo itinere amisit unum palefridum, quem emerat quindecim solidis; et dispendidit septem solidos et sex denarios. Ad quem diem veni, paratus et munitus placitandi, apud *Lundoniam*, quia sperabam tunc judicium meum habere. Et ibi morati sumus quinque diebus; et ibi dispendidi centum et quatuor solidos. Et ibi appellaverunt adversarii mei præsentiam Domini Apostolici, ad festum Sancti *Lucæ* Evangelistæ. Et quæsi scriptum appellationis. Et statuerunt mihi diem apud *Oxineford*, ad festum Sancti *Andrææ*; ad quem diem veni, et moratus sum ibi per novem dies, antequam scriptum meum habere potuissem; et ibi dispendidi triginta et quatuor solidos. Et recepto brevi sine sigillo, portavi illud Magistro *Petro* apud *Nincolniam* ad corrigendum; et in illo itinere dispendidi unam marcam argenti. Correcto brevi, portavi illud ad Episcopum *Cicestrensem* apud *Wintoniam* ad octavas *Epiphaniæ*, ut ibi insigillaretur. Et noluit Episcopus illud insigillare, quia Abbas *Westmonasterii* ibi non aderat; et in isto itinere dispendidi duas marcas argenti. Sed postea, ad "*Letare Jerusalem*," apud *Westmonasterium*, insigillatum fuit, ubi viginti tres solidos et quatuor denarios dispendidi. Postea adivi Archiepiscopum *Eborum*, propter breve suum ad Apostolicum, de prece, et ad Episcopum *Durhalmiæ* propter breve suum ad Apostolicum et ad Cardinales, quos inveni apud *Eborum*. Et redii per Episcopum *Nincolnensem* propter breve suum similiter ad Dominum Apostolicum, et ad Cardinales; et in illo

itinere dispendidi quadraginta et octo solidos. Et cum inde redîssem, perrexi ad Episcopum *Wintoniensem* propter breve suum, quem inveni apud *Glastoniam*, et ibi dispendidi triginta et duos solidos.

(11.) Postea, cum tempus appellationis appropinquaret, paratis Clericis meis, misi ad Curiam Romanam, ubi morati sunt sexaginta et duos dies antequam meum iudicium habere potuissent; et ibi dispendiderunt undecim marcas argenti. Et inde redientes, attulerunt iudicium de adulterio, unam cartam Archiepiscopo, alteram *Ricardo de Luci*, tertiam mihi. Exinde cum cartis istis, perrexi ad Dominum *Ricardum de Luci*, quem inveni apud *Rumesiam*. Et ibi expectavimus adventum Domini Regis qui de *Normannia* erat venturus. Deinde secutus sum Curiam per tres septimanas, donec possem finire cum Rege. Et in illo itinere dispendidi quinque marcas argenti. Et quia tædebat Regem quod Dominus Apostolicus nullum breve ei miserat, mox in crastino direxi nuncium meum propter breve a Domino Apostolico ad eum; quod nuncius meus mihi attulit ad clausum *Pascha* apud *Windlesoram*; et in illo itinere dispendidit nuncius quinquaginta solidos.

(12.) Igitur postquam cum Domino Rege finieram, per præceptum Domini Regis statuit mihi Dominus *Ricardus* diem placitandi, ad *mediam Quadragesimæ*, apud *Lundoniam*. Et tunc erat ibi Concilium; et veni illuc cum amicis et auxiliis meis. Et quia pro negotio Regis non poterat intendere ad hoc placitum, moratus sum ibi quatuor dies, et ibi dispendidi quinquaginta solidos. Exinde posuit mihi diem ad *clausum Pascha*, et tunc fuit Rex et Dominus meus *Ricardus* apud *Windlesoram*. Et ad illum diem veni cum amicis et auxiliis meis, quotquot habere potui. Et interim misi *Johannem*, fratrem meum, propter *Ranulfum de Glanvilla*, ubi unum pale-

fridum amisit, quem emerat viginti solidis, et dispendidit dimidiam marcam in illo itinere. Et quia non poterat Dominus *Ricardus* intendere huic loquelæ, propter loquelam *Henrici de Essexia*, prolongatum est iudicium de die in diem, donec veniret Rex ad *Redingiam*. Similiter apud *Redingiam* prolongatum est de die in diem, donec venit ad *Wallingeford*. Et in hoc itinere dispendidi sex libras et quinque solidos. Et exinde, quia Dominus meus *Ricardus* ibat cum Rege in *Walliam*, posuit loquelam istam in Curiâ Comitis *Leicestriæ* apud *Lundoniam*; et illuc veni, et in illo itinere dispendidi triginta quinque solidos et septem denarios. Et quia nihil proficiebam in placito meo, misi ad Dominum meum *Ricardum*, in *Walliam*, ut præciperet quod placitum meum non prolongaretur. Et tunc mandavit per breve suum *Ogero* Dapifero, et *Radulpho Britoni*, quod sine dilatione tenerent mihi justitiam. Et statuerunt mihi diem apud *Lundoniam*; et nuncius ille quinque solidos dispendidit.

(13.) Veni igitur ad diem meum cum amicis et auxiliis meis, ubi viginti septem solidos et quatuor denarios dispendidi. Exinde summoniti sunt adversarii mei per breve Domini Regis, et per breve Domini mei *Ricardi*, ut coram Rege essent; et venimus coram Rege apud *Wudestocche*, ubi per octo dies morati sumus; et tandem, gratiâ Domini Regis, et per iudicium curiæ suæ, adjudicata est mihi terra avunculi mei. Et ibi dispendidi septem libras et decem solidos.

(14.) Hæc sunt dona quæ dedi in Curiâ Archiepiscopi Placitatoribus et Clericis mihi auxiliantibus, scilicet undecim marcas argenti. Et in curia Domini *Wintoniensis*, quatuordecim marcas argenti, et Magistro *Petro de Melide* decem marcas, et unum annulum aureum de dimidia marca argenti. Et Magistro *Roberto de Chimai* unam marcam. Et in Curiâ Regis dispendidi, in donis, in auro et in argento et in equis, sedecim marcas

et dimidiam. Et Magistro *Petro de Littleberia* dedi quadraginta solidos. Et in cæteris placitatoribus de amicis meis, qui ad placita mea solebant venire, dispendidi in argento et in equis donandis duodecim marcas et dimidiam.

(15.) *Radulfo*, Medico Regis, dedi triginta sex marcas et dimidiam; *Regi* centum marcas. Et *Reginæ*, unam marcæ auri.

(16.) In primo anno placiti mei, quando misi *Johannem* fratrem meum ultra mare, pro præcepto Regis, mutuavi illos quadraginta solidos, quos dispendidi, a *Vive*, Judæo de *Cantebriggia*, ad usuram, libram per septimanam pro quatuor denariis. Et istos denarios tenui quatuordecim mensibus; de quibus reddidi pro gablo, triginta septem solidos et quatuor denarios. Et hoc fuit die *tertio* post *mediam Quadragesimæ*.

(17.) Et ad *Pascha* postea, præstitit mihi idem *Vives* sexaginta solidos: libram pro quatuor denariis per hebdomadam, quos tenui sex mensibus, de quibus reddidi pro gablo viginti quatuor solidos.

(18.) Et quando ego ipse transfretavi, pro præcepto Regis placitandi, tunc præstitit mihi *Comitissa de Cantebriggia* quatuor libras et decem solidos; quos dispendidi in illo itinere: libram pro quatuor denariis per hebdomadam, quos tenui novem mensibus, de quibus reddidi pro usura quinquaginta quatuor solidos. Et quando ivi propter Magistrum *Petrum*, apud *Stafford*, tunc præstitit mihi *Bonenfaunt*, Judæus, quinquaginta solidos: libram pro quatuor denariis per hebdomadam. Istos denarios tenui quinque mensibus, de quibus reddidi pro usura, sedecim solidos et octo denarios.

(19.) Et ad *clausum Pentecostes*, quando placitavi apud

Cantuariam, tunc præstitit mihi *Deulecreise*, Judæus, quadraginta solidos, quos tenui duobus mensibus, libra pro quatuor denariis per hebdomadam, de quibus reddidi pro usura, quinque solidos et quatuor denarios.

(20.) Et quando transfretavi licenciam quærere appellandi, tunc præstitit mihi *Jacobus*, Judæus de *Niuport*, sexaginta solidos, libram pro quatuor denariis per hebdomadam, quos tenui tredecim mensibus; de quibus reddidi pro usura quinquaginta duos solidos.

(21.) Et quando misi Clericos meos *Romam*, tunc præstitit mihi *Hakelotus*, Judæus, decem libras, libram pro tribus denariis per hebdomadam, quas tenui septem mensibus; de quibus reddidi pro usura sexaginta solidos et decem denarios.

(22.) Et post festum Sancti *Michaelis*, quando prius placitavi in Curiâ Episcopi *Cicestriæ* et Abbatis *Westmonasterii*, tunc præstitit mihi *Hakelotus*, Judæus, sexaginta solidos: libram pro tribus denariis per hebdomadam, quos tenuit tribus mensibus, de quibus reddidi pro usura novem solidos.

(23.) Et ad festum Sancti *Martini*, quando replacitavi in Curiâ prædictorum Judicum, tunc præstitit mihi *Jacobus*, Judæus de *Niuport*, septuaginta solidos: libram pro quatuor denariis per hebdomadam, quos tenui octo mensibus; de quibus reddidi pro usura triginta septem solidos et quatuor denarios.

(24.) Et ad eundem terminum, præstitit mihi *Benedictus*, Judæus *Lundoniæ*, decem solidos pro duobus denariis per hebdomadam, quos tenui tribus annis, de quibus pro usura reddidi viginti sex solidos.

(25.) Et quando portavi breve appellationis meæ apud *Wintoniam*, ad Episcopum *Cicestriæ*, ut ibi insigillaretur, tunc præstitit mihi *Jacobus*, Judæus, centum solidos : libram pro tribus denariis per hebdomadam ; quos tenui decem mensibus, de quibus reddidi pro usura quinquaginta solidos.

(26.) Et quando remisi Clericos meos ad Apostolicam Curiam, tunc mutuavi de *Hakeloto*, Judæo, quatuor libras, libram pro tribus denariis per hebdomadam, quos tenui sex mensibus ; de quibus reddidi viginti quatuor solidos pro usura.

(27.) Et quando ivi ad placitum meum apud *Windleshores*, tunc præstitit mihi *Deulacreise*, Judæus, quadraginta solidos, libram pro tribus denariis per hebdomadam, quos tenui quatuor mensibus ; de quibus reddidi pro usura octo solidos. Et in eodem itinere de *Windleshores*, quia defecerunt mihi denarii, mutuavi de *Bruno*, Judæo, dimidiam marcam, pro tribus obolis per hebdomadam, quos denarios tenui decem septimanis, unde pro usura reddidi quindecim denarios. Et in eodem itinere, apud *Reding*, præstitit mihi *Hakelotus*, Judæus, quem ibi inveni, triginta solidos : libram pro tribus denariis per hebdomadam, quos tenui quinque mensibus, de quibus pro usura reddidi septem solidos et sex denarios.

(28.) Et quando adjudicata est mihi terra Avunculi mei, apud *Wudestoche*, tunc præstitit mihi *Mirable*, Judæa de *Niuport*, quatuor libras et decem solidos ; libram pro quatuor denariis per hebdomadam, quos tenui per unum annum, de quibus pro usura reddidi sexaginta et octodecim solidos.

(29.) Et quando reddidi *Radulfo* Medico denarios suos, ad primum terminum, tunc præstitit mihi *Hakelotus*, Judæus, septem libras, libram pro tribus denariis per hebdomadam, quas

tenui anno et dimidio, de quibus reddidi pro usura sex libras et sedecim solidos, et sex denarios. Et ad alium terminum præstitit mihi *Comitissa de Cantebriggia* centum solidos, quos tenui duobus mensibus, libram pro tribus denariis per hebdomadam, de quibus reddidi pro usura decem solidos.

(30.) Ad hoc, Pascha præteritum, transacti sunt duo anni, quod reddidi ad Scaccarium quinquaginta marcas argenti, de promissione Regis, de quibus præstitit mihi *Hakelotus*, Judæus, viginti libras, libram pro duobus denariis per hebdomadam; unde adhuc debeo et catallum et lucrum totum; et assuperatum est gablum usque ad viginti sex marcas argenti. Iterum ad proximum Pascha postea, reddidi ad Scaccarium viginti quinque marcas argenti, de quibus præstitit mihi *Hakelotus*, Judæus, septem libras, libram pro duobus denariis per hebdomadam: unde adhuc debeo ei lucrum et catallum totum; et assuperata est usura usque ad sexaginta solidos et octo denarios.

(31.) Iterum ad festum Sancti *Michaelis* reddidi ad Scaccarium decem marcas, de quibus præstitit mihi *Hakelotus*, Judæus, quadraginta solidos, libram pro duobus denariis per hebdomadam; quos tenui tribus mensibus, de quibus reddidi pro usura quatuor solidos.

LAWS OF THE CONQUEROR.

(See p. 55.) I HAVE already stated my reasons for supposing that the Latin text, hitherto unpublished, of the Statute or Capitular which professes to contain the laws granted by the Conqueror to the English people, is an authentic document; and it is the more valuable, because it must be considered as the principal source whereby the written Anglo-Saxon Law was first diffused into the Common Law. The Romanic text, now given in a correct form, is a curious monument of language, though we may deny its coeval antiquity. The accompanying comment might have been extended to a much greater length; but I have only attempted to elucidate those portions which are connected with the jurisprudence of the subsequent age. Upon the versions, or rather paraphrases, which I have added of some few extracts from the Anglo-Saxon Laws, I must observe, that, with the exception of those technical terms and phrases for which no modern equivalent can be found, I have not considered it advisable to labour to *Saxonize* either the idiom or the expressions. The plan of rendering each Anglo-Saxon word by the word which approaches nearest to it in our vernacular language, may be thought to ensure both energy and accuracy; but this opinion rests upon mistaken grounds. It is one of the consequences of the alteration of language, that many of the terms which were originally general, become restricted to a special signification. Others again are diverted to new applications, and designate new ideas; by borrowing the sound from the antique nomenclature, we therefore often lose the sense of the ancient phrase; and, with the shew of precision, we depart widely from the true meaning of the original.

MS. HARL., No. 746.

ISTÆ SUNT LEGES ET CONSUETUDINES, quas *Willielmus* Rex, post acquisitionem *Angliæ* omni populo *Anglorum* concessit tenendas; eædem sunt videlicet, quas Predecessor suus et Cognatus, *Edwardus* Rex, servavit in *Anglorum* regno.

HOLKHAM MS., No. 228*.

CEZ SUNT LES LEIS E LES CUSTUMES que li Reis *William* grantad al pople de *Engle-terre*, apres le cunquest de la terre. Iceles meimes que li Reis *Edward* sun cousin, tint devant lui.

I. *De pace et immunitate Ecclesiæ.*

Pacem et immunitatem ecclesiæ sanctæ concessimus. Cujuscumque criminis reus, si ad ecclesiam confugerit, pacem habeat vitæ et membrorum. Quod si quis in eum manus injecerit violentas, et ecclesiæ immunitatem fregerit, in primis restituat plenariè ablata, et insuper de forisfacto, si cathedralis fuerit ecclesia, vel cænobium, vel quæcumque religiosorum ecclesia, centum solidos; si mater ecclesia parochialis, xx solidos; si capella, x solidos.

Ceo est a saver, pais a seinte iglise. De quel forfeit que hom fet oust, e il poust venir a seint iglise, oust pais de vie e de membre. E si aucuns meist main en celui ki la mere iglise requereit, si ceo fust u evesqué, u abeie, u iglise de religiun, rendist ceo qu' il aurret pris, e cent souz le forfeit. E de mere iglise de parosse, vint souz. E de chapele diz souz.

II. *De pace Regia.*

Qui pacem regiam infregerit, secundum *Merchenalahe*, c. solidos poenæ succumbet. Similis de *hamfare* et insidiis præcogitatis poena delinquentem manet. Secundum *Denelahe* poena infractæ pacis regiae cxliiij libras, et forisfactum Regis quod ad vicecomitem pertinet, scilicet xl. solidos in *Merchenalahe* et l. solidos in *Westsaxenelahe*. Quod si vicecomes vel præpositus convictus fuerit coram justitiariis Regis erga homines suæ ballivæ deliquisse, duplo forisfactum majus reportabit quam alii in pari delicto. Si quis eorum, qui habent *soche* et *sache* et *tol* et *them* et *infangenetheof*, im-

* I owe the use of this most valuable Manuscript to the kindness of its distinguished owner. The volume bears the autograph of Coke, and has been quoted by him. The additions marked F. are from the text included in Ingulphus, as published by Fell.

placitetur in comitatu, et in forisfactum cadat, erit ejus forisfactum ad opus vicecomitis xl *ores* in *Danelahe*: aliorum autem qui non habent hanc libertatem, erit forisfactum in simili casu xxxij *ores*, de quibus vicecomes ad opus regium x *ores* accipiet, et ei qui in eam optinet xij *ores* restituentur. Residuum autem, id est x *ores*, ad dominum in cujus feudo manet, deveniet secundum *Denelahe*.

E ki enfreint pais le Rei, en *Merchenelahe*, cent souz les amendes. Autresi de hemfare e de agwait purpense; icel plait afert a la curune le Rei. E si aucuns Vescunte u Provost meffait as humes de sa [baillie] e de ceo seit ataint devant justise, le forfeit est a duble de ceo que auter fust forfeit. E ki en *Denelahe* enfreint la pais le Rei, set vint livres e quatre les amendes. E les forzez le Rei ki aferent al Vescunte, cinquante souz; en *Merchenelahe*, e en *West-Sexenelahe*, quarant souz. E cil francs hom ki ad e sache e soche, e toll e tem, e infangentheof, se il est enplaidé, e il seit mis en forfeit el Conté, afert al os le Vescunte en *Denelahe* quarant *ores*. E de cel hume ki ceste franchise n' en ad, trente e deux *ores*. De cez trente e deux, averad le Vescunte al os le Rei, dis *ores*, e cil ki le plait averard deredné vers lui, duze *ores*. E le Seinur en ki fiu il meindra, les dis *ores*. Ceo est en *Denelahe*.

III. *De plegiatis fugientibus.*

Si quis appellatus de latrocinio vel roberia plegiatur ad habendum ad justitiam, et interim fugerit, in *Merchenalawe* dabitur plegio respectus unius mensis et unius diei, quærendi fugitivum, quem si infra terminum præscriptum invenerit, justitiæ offerat; si minus, jurabit duodecima manu quod, horâ quâ eum plegiavit, nescivit quod latro esset, quod consilio aut ope sua non fugerit, et quod eum habere non potest ad justitiam. Deinde catallum reddet pro quo fuit attachiatus, et xx. solidos pro capite fugitivi et iiij denarios cippi custodi, et obolum pro fossorio, et insuper regi xl. solidos. Juxta *Westsaxenelahe* in tali casu dabit c. solidos pro capite, illi qui clamium prosecutus est, et Regi iiij libras. At vero in *Denelahe*, in tali casu, forisfactum est viij librarum, quarum vij. Regis erunt, octava autem pro capite calumniati dabitur, quod si infra annum et diem poterit latronem repertum justitiæ offerre, reddetur ei libra, quam pro capite calumpnians accepit, et de latrone justitia fiet.

La custume en *Merchenelahe* est, si aucuns est apelé de larrecin u de roberie, e il seit plevi a venir devant justise, e s' en fuie dedenz sun plege, il averad terme un meis e un jur de querrele; e s' il le pot truver dedenz le terme, si l' merra a la justise. E s' il ne l' pot truver, si jurra sei duzime main que al hure qu'il le plevi, larrun ne l' sout, ne par lui s' en est fuid, ne aver ne l' pot. Dunc rendrad le chatel dunt il est retez, e vint souz pur la teste, e quatre deners [al] ceper, e une maille pur la besche e quarante solz al Rei. E en *West-Sexenelahe*, cent sols; vint sols al

clamif pur la teste e quatre libres al Rei. En Dene-lahe, oit libres le forfeit, les vint sols pur la teste, les sept libres al Rei. E s' il pot dedenz un an e un jur truver le larrun, e amener a justise, si lui rendra cil les vint sols, ki s'averad oud [?] si n' est feite la justice del larrun.

IV. *De latrone capto sine Uthesio.*

Si quis latronem sive furem, sine clamore et insecutione ejus cui damnum factum est, ceperit, et captum ultra duxerit, dabit x. solidos de *henwite*, et ad primam divisam faciet de eo justitiam. Quod si eum ultra primam divisam sine Justitiarii licentiâ duxerit, erit in forisfacto xl. solidorum.

Cil ki prendra larrun senz suite e senz cri, que cil en lest, a ki il averad le damage fait, e il vienge apres, si est resun qu' il duinse dis sols de *hengwite*; e si face la justice a la primere devise, e s' il passe la devise senz le cuned a la justise, si est forfeit de quarant sols.

V. *De averiis quos præpositus hundredi restare fecerit.*

Si præpositus hundredi equos aut boves, aut oves, aut porcos, vel cujuscunque generis averia vagantia restare fecerit; is qui veniens sua clamaverit, dabit præposito, pro ove denarium, pro porco ij denarios, pro bove vel equo iiij denarios. Ita tamen ut non ultra viij denarios tribuat quotquot averia sibi restitui petierit. Dabit insuper wagium, et plegios inveniet: quod si quis alius infra annum et diem veniens, illa averia tanquam sua quæsierit, habebit ea ad justitiam ubi habere debet.

Cil ki avoir rescut, u chevaux, u bos, u vaches, u berbiz, u pors (que est *forfeng* apele en Engleis) cil ki s' claimed, durrad al provost pur la rescussion, oit deners; i a tant ni ait, mes qu'il i oust cent almaille, ne durrad que oit deners; e pur quatre pors, un dener; e pur un berbiz, un dener; e issi tresque a oit, pur chascune un dener. Ne ia tant ni averad, ne durrad que oit deners. E durrad guuage, e truverad plege que si autre vienge á prof, dedenz l' an e le jur pur l'aveir demander, qu' il l' ait a dreit curt celui ki l' aveit rescus.

VI. *De averio errante vel re inventa.*

Si quis averium errans recollegerit, vel rem quamcumque invenerit, denunciât illud per tres partes visneti, villis proximis, ut sint in testimonium inventi. Quod si quis venerit, rem ut suam clamans, det vadium et plegios quod eam judicio sistet, si quis infra annum et diem eandem requisierit, et suum recipiat.

Autersi de avoir adiré, e autersi de truvare, seit mustred de treis pars del visned, qu'il eit testimonie de la truveure. E si aucuns vienged avant pur clamer la chose, duinst guuage e truiet plege que si auter le cleimt dedenz l' an e un jur, qu'il l' ait a dreit en la curt celui ki l' avera trued.

VII. *De homicidiis.*

Si quis convictus vel confessus fuerit in jure, alium occidisse, dat *were* suum, et insuper domino occisi, *manbote*, scilicet, pro homine libero x. solidos, pro servo xx. solidos.

Si hom occist auter, e il seit cunuissant, e il deive faire les amendes, durrad de sa *Manbote* al Seinur, pur le franch hume, dis sols, e pur le serf, vint sols.

VIII. *De Were diversorum.*

Est autem *were* Theni in *Merchenalahe* xx. libras, in *Westsaxenelahe* xxv. libras : rustici autem c. solidos in *Merchenalahe*, et similiter in *Westsaxenelahe*.

La *were* del Thein, vint libres en *Merchenelahe*, vint e cinq libres en *Westsexenelahe*. La *were* del vilain cent sols, en *Merchenelahe*, e ensement en *Westsaxenelahe*.

IX. *Quid fiat de Were.*

De *were* igitur pro occiso soluto, primo viduæ x solidi dentur; et residuum liberi et consanguinei inter se dividant. Poterit autem quis, in *were* solvendo, equum masculum non castratum pro xx. solidis dare, et taurum pro x. solidis, et verrem pro v. solidis.

De la *were* primereinement rendrad l'om del *hamsochne*, a la vedue dis sols, e le surplus les parenz e les orfenins partent entre eus. En la *were* purra il rendre cheval ki ad la coille, pur vint sols, e tor pur dis sols, e ver pur cinq sols.

X. *De vulnerante alium.*

Si vulneraverit quis alium, et satisfacere debeat, in primis reddat ei *lichfe*, quantum scilicet in curam vulneris impendit. Jurabit tamen vulneratus, quod non potuit pro minori illud curasse, nec quod in odium illius magis justo persolvit. Deinde si plaga in discooperto faciei fuerit, semper ad unciam * * * * * quatuor denarios persolvit. Et si ossa abstracta fuerint; quot ossa, totiens quatuor denarios dabit. Demum ad concordiam plenam honores illi exhibebit; jurabitque quod sibi, si id

intulisset quod ipse illi intulit, id in satisfactionem ab eo susciperet quod ei offert, si hoc in animo sibi sederet et amici consulerent.

Si hom fait plaie en auter e il deive faire les amendes, primerement lui rende sein le cheof, e li plaiez jurra sur seinz, que pur meins nel pot feire, ne pur häur si cher nel fist. De *sarbote*, ceo est de la dular. Si la plaie lui vient el vis en descuvert, al pouz tute veies, oit deners, si en la teste u en auter lui u ele seit cuverte, al pouz tute veies quatre deners, e de tanz os cum l' om trait de la plaie, al os tute veies quatre deners. Al acordement, si lui metera avant honors, e jurra que s' il lui oust fai ceo qu'il lui ad fet, e sun quor lui purportast e sun conseil lui dunast, prendreit de lui ceo que offert ad a lui.

XI. *De membrorum mutilatione.*

Si quis alteri, vel manum vel pedem abscidit, dimidium *were* illi reddat juxta statum conditionis suæ. Si pollicem, reddat dimidium illius quod pro manu redderet. Si indicem, quindecim solidos Anglicos (solidum Angli cum quatuor denariis constituunt). Si medium, sedecim solidos. Si anularem * * * * *, quinque solidos. Si unguem pollicis vel ancus digiti majoris, quinque solidos. Si unguem auricularis, quatuor denarios.

Si ceo avient que aucuns coupe le puing al auter, u le pie, si lui rendrad demi *were* sulunc ceo qu'il est nez. Del poucer lui rendra la meite de la main. Del dei apres le poucer quinze sols, de sols Engleis que est apele quaer-denier. Del lung dei, seize sols, del autre ki porte l' anel dis sept sols. Del petit dei cinq sols. Del ungle s' il le couped de la charn cinq sols de souz Engleis. Al ungle del petit dei, quatre deners.

XII. *Si violat quis uxorem proximi.*

Si quis uxorem alterius legitimam violat, *weram* suam domino suo reddat.

Cil ki autrui femme purgist, si forfeit sun *were* vers sun seinur.

XIII. *De judicio falso.*

Qui judicium falsum fecerit, *were* suum domino solvat, nisi probare possit quod melius judicare nescivit.

Autersi ki faus jugement fait, pert sa *were* ; s' il ne pot jurer sur seinz, que mieuz ne l' sout juger.

XIV. *De appellatis ex furto.*

Si quis appellatur de furto, et sit liber homo, si bonæ famæ hucusque fuerit et testimonium bonum habuerit, purgabit se per juramentum suum. Quod si ante culpatus fuit, purgabit se duodecima manu, et eligentur quatuordecim legales homines ex nomine, qui juramentum hoc faciant: quod si defecerint, et jurare cum eo noluerint, defendet se per judicium aquæ vel ignis: et appellator per septem legales homines ex nomine, jurabit, quod nec ex odio nec alia aliqua causa hoc ei imponit, nisi tamen ut jus suum adipiscatur.

Si hom apeled autre de larrecin e il seit fraunch-hom, e puis pot aver testimonie de lealted, se escundirad par plein serment. E ki blasmé unt este, se escundirunt par serment numé. Ceo est a saver, par quatorze humes leals par num, s' il les pot aver; si s' en escundira, sei duzime main. E si il aver ne s'pot; si s' en defende par juise. E li apelur jurra sur lui par sept humes numez, sei siste main, que pur häur ne l' fait ne pur auter chose, se pur sun drete nun purchacer.

XV. *Si appellatur quis de violatione ecclesiæ vel cameræ.*

Si quis appellatur, quod, aut ecclesiæ immunitatem aut alicujus cameram infregerit, si hactenus de tali crimine immunis fuerit et inculpabilis, purget se juramento, per quatuordecim legales homines nominatos manu duodecima. Quod si alias culpatus fuerit, purget se juramento triplicato, id est per quadraginta octo legales homines nominatos, manu trigesima sexta. Si eos habere non potest, eat ad judicium triplex, si juramentum debuit exhiberi triplex. Si furtum, alius calumniatus, emendavit, eat ad judicium aquæ.

E si aucuns est apeled de mustier frussir u de chambre, e il n' ait esté en ariere blasmé, s' en escundisse par quatorze humes leals numez, sei duzime main. Et sil ait auter fiedz este blasmé, s' en escundisse a treis duple, ceo est a saver par quarante deux leals humes numez, sei trente siste main. E s' il aver ne s' pot, äut a la juise a treis duple, si cum il deust a treis duple serment. E s' il ad larrecin ca en ariere amendé, äut al ewe.

XVI. *De forisfacturis.*

Archiepiscopus habebit de forisfactura in *Merchenalahe*, quadraginta solidos; Episcopus, viginti solidos; Comes, viginti solidos; Baro, decem solidos; Villanus, quadraginta denarios.

Li Ercevesque averad de forfeiture quarante sols en *Merchenelahe*: e li Eveske vint sols: e li Quens vint sols: e li Barun dis sols: e li Socheman quarante deners.

XVII. *De denariis Sancti Petri.*

Liber homo qui habet possessionem campestram ad valenciam triginta denariorum, dabit denarium Sancti Petri. Dominus autem pro uno denario, acquietabit bordarios suos, et bubulcos, et servientes. Burgensis, si habet de proprio catallo ad valenciam dimidiæ marcæ, dabit denarium Sancti Petri. In *Denelahe*, liber homo qui habuerit catallum campestrum ad valenciam dimidiæ marcæ, dabit denarium Sancti Petri. Et per denarium domini, adquietabuntur omnes qui in dominio illius manent. Qui vero denarium Sancti Petri detinet, cogatur censurâ ecclesiasticâ illum solvere, et insuper triginta denarios pro forisfacto. Quod si ante Justitias Regis placitum venerit, habebit Rex quadraginta solidos pro forisfactura, et Episcopus triginta denarios.

Cil ki ad aver champestre trente deners vaillant deit duner le dener Sein Piere*. Ki en *Denelahe* franche-hume est, s'il ad demi marc vaillant d'aveir champestre, si duinst le dener Sein Piere, e par le dener que li sire durrad, si erent quite cil ki meindrunt en sun demeine.

XVIII. *De vi opprimentibus.*

Si quis mulierem vi oppresserit et violaverit, membrorum damno punietur. Si vi ad terram prostravit ut violaret, domino decem solidos reddat.

Cil ki purgist femme a force, forfait ad les menbres. Ki abat femme a terre pur fere lui force, la muite al seinur dis sols.

XIX. *De oculo eruto.*

Si quis alicui oculum quocumque modo eruit, dabit illi septuaginta solidos Anglicos. Quod si pupilla forte remanserit, dabit dimidium tanti.

Si alquns creve l'oïl al altre par avanture, quel qe seit, si amendrad lxx sols des sols Engleis, et si la prunele y est remis, si ne rendra li qe la meite.

XX. *De releviis.*

Relevium Comitis quod ad Regem pertinet, octo equi, ex quibus quatuor erunt sellati et frenati, et cum eis quatuor loricæ, quatuor galeæ, quatuor lanceæ, quatuor scuta, et quatuor gladii; alii quatuor equi erunt palefridi et *chascuri*, cum *freinis*

* Franchome qi ad aver champestre, trente deners vaillaunt, deit doner le dener Sein Piere. Le Seignur pur quatre deners qu'il donrad, si erent quites ses bordiers, e ses boyers, e ses Seriaunz. Li Borgeis qi ad en soun propre chattel demi marc vaillant, deit doner le dener Sein Pere. Qui en *Denelahe*, &c. (F.)

et *chainis*. Relevium Baronis quatuor equi, ex quibus duo sellati erunt et frenati, et cum eis loricae duae, scuta duo, galeae duae, lanceae duae, gladii duo. Reliquorum duorum equorum, alter erit palefridus, alter *chascur* cum *frenis* et *chainis*. Relevium Vavassoris quod ad ligium dominum suum pertinet, equus patris sui qualem die obitus habuit; et lorica, galea, scutum, lancea, et gladius. Quod si forte hæc non habuerit, poterit se solutione centum solidorum adquietare. Relevium villani melius averium, sive bos fuerit sive equus, sui domini erit. Qui terram ad censum annum tenet, sit ejus relevium quantum unius anni census.

De relief a Conte ki al Rei afert oit chevaux, les quatre enfrenez e enseelez, e quatre haubercs e quatre haumes, e quatre escuz, e quatre lances e quatre espees. Les autres quatre chevaux, deux chaceurs e deux palefreis a freins e a chevestres. De relief a Barun, quatre chevaux, les deux enfrenez e enseelez, e deux haubercs, e deux haumes, e deux escuz, e deux espees, e deux lances. E les autres deux chevaux, un chaceur e un palfrei, a freins e a chevestres. De relief a Vavassur a sun lige seinur, deit estre quite par le cheval sun pere, tel cum il out le jur de sa mort, e par sun haume e par sun escu, e par sun hauberc, e par sa lance, e par s'espée. E s'il fust desapaillé qu'il n'oust cheval ne armes, fust quite par cent sols. Del relief al Vilain, le meillur avoir qu'il averad, u cheval, u bof, u vache durrad a sun seinur. E puis seient tuz les vilains en franc plege.

XXI. *De warranto producendo.*

Si clamaverit quis vivum averium quasi furto sibi surreptum, et dederit vadium, et invenerit plegios de clamio proseguendo; oportet eum qui rem in manu habet, warantum suum producere. Quod si non potest, *Hemoldborh* et testes producat. Si vero warantum producere non potest nec *Hemoldborh*, sed testes habet quod in mercato regis emerit, et *Hemoldborh*, sed nec warantum nec plegium, sit vivum vel mortuum, perdet rem illam quæ calumniatur; et simplici juramento suo et testium suorum se purgabit. Quod si nec warantum, nec plegium, nec testes invenerit, tunc præter causam clamantis, *were* Domino suo solvet. Hoc generale est in *Merchena-lahe*, et *Danelahe*, et *Westsaxenelahe*. Nemo autem cogetur warantum vocare antequam calumniator producat *engaige*, manu sexta. In *Danelahe* ponetur res in manu equali donec dirationetur. Si autem probare poterit per tres partes visneti sui, quod sit de nutritura sua, dirationabit. Quia ex quo per juramentum adjudicatum est, non potest abjudicari per judicium *Angliæ*.

De entercement de vif avoir; ki l'voldra clamer pur embled, e voldrad duner guuage e truver plege a parsuire sun apel; dunc estuvera celui ki l' avera entre mains, numer sun guarant, s'il l' ad, e s'il ne l' ad, dunc numerad il sun *heimel borch*, e ait les a jur e a terme, s'il les ad. E li enterceur le mettrad en guage, sei siste

main, e le auter le metrad en la main sun guarant, u a sun *heimelborch* le quel qu'il averad. Et s' il n' ad guarant ne *heimelborch*, e il ait les testimonies qu'il le achatad al marche le Rei, e qu'il ne set sun guarant, ne sun plege, vif ne mort, ceo jurrad od ses testimonies od plein serment ; si perdera sun chatel, s' il testimonient qu'il *heimelborch* enprist. E s'il ne pot guarant ne testimonie avoir, si perderad e parsoudrad, e pert sun avoir ver sun seinur. Ceo est en *Merchenelahe* e en *Dene-lahge*. En *Westsexenelaghe* ne vocherad il mie sun guarant, devaunt icoe qu'il seit mis en guage. En *Denelaghe* mettrad l' om l'avoir en uële main de ici qu'il seit derehdned, e s' il pot prover que ceo seit de sa nureture, par de tres parz de sun visned, si l' averad derehdne. Kar puis qe le serment lui est juged, ne l' en pot l'om puis lever par le jugement de *Engleterre*.

XXII. *De murthero.*

Si quis francum hominem occiderit, et non capiant homines de visneto occisorem infra ebdomadam, et offerant justitiariis ad ostendendum quamobrem hoc ille fecerit ; reddent pro murthero quadraginta septem marcas.

De murther. Ki Fraunceis ocist e les humes del hundred ne l' prengent e meinent a la justice dedenz les oit jurs pur mustrer k' il l' ait fait ; si renderunt le murther quarante e sept mars.

XXIII. *Si quis contra dominum suum terram petat.*

Si voluerit quis conventionem terræ tenendæ, adversus dominum suum disrationare ; per pares suos de eodem tenemento, quos in testimonium vocaverit, disrationabit ; quia per extraneos id facere non poterit.

Si hom volt derehdner cuvenant de terre vers sun Seinur, par ses pers de la tenure meimes qu'il apelerad a testimonie, lui estuverad derehdner, kar par estraunge, ne purrad pas derehdner.

XXIV. *Si quis negat in curia se dixisse quod ei imponitur.*

In omni curia præterquam in præsentia Regis, si cui imponitur quod in placito dixerit aliquid, quod ipse negat se dixisse, nisi possit per duos intelligibiles homines de visu et auditu convincere, recuperabit ad loquelam suam.

De hume ki plaided en curt, en ki curt que ceo seit, fors la u le cors le Rei seit, e hom lui met sur k' il ad dit chose k' il ne voille conuistre ; s' il pot derehdner par deux entendables humes del plait, öunt e veant, qu'il ne l' averad dit, recoveread sa parole.

XXV. *De francplegio.*

Omnis qui sibi vult justitiam exhiberi, vel se pro legali et justiciabili haberi, sit in *francplegio*.

[For the version of this law, see above, p. xcvi.]

XXVI. *De tribus stratis regiis.*

In tribus stratis regiis, id est *Watlingstrete*, *Ermingstrete*, et *Fosse*, qui hominem per patriam transeuntem occiderit, vel assaltum fecerit, pacem regis infringit.

De quatre chemins, ceo est a saveir, *Watlingstrete*, *Ermingstrete*, *Fosse*, *Eykenild*,—Ki en aucun de ces quatre chemins ocist aucun ki seit errant par le pais, u asault, si enfreint la pais le Rei.

XXVII. *Si furtum cum fure reperitur.*

In cujuscumque terra fur cum furto invenitur, dominus terræ et uxor furis habebunt medietatem omnium bonorum furis; calumpniator autem rem sibi furatam, si inveniatur; et alteram medietatem, nisi inveniatur in terra ejus qui habet *soch* et *sach* etc. quia tunc uxor perdet, et dominus habebit.

Si larrecin est trued, en ki terre que ceo seit e le larrun ovoc, le seinur de la terre e la femme averunt la meité del avoir al larrun, e les chalenurs lur chatel s' il le trouvent, e l' autre meited s' il est trové dedenz sache e soche, si perderad la femme, e le seinur l' averad.

XXVIII. *De viarum custodibus.*

De qualibet hida in hundredo iiij homines ad *Stretwarde*, invenientur a festo Sancti Michaelis usque ad festum Sancti Martini. Et *Gwardereve*, id est præpositus custodum, habebit triginta hidas quietas pro labore suo. Quod si averia per locum custodiæ suæ transducta fuerint, et non possint monstrare nec clamorem suum nec vim sibi illatam, reddent illa.

Destret-warde de chascuns §dis hides del hundred, §un hume dedenz la feste Seint Michel e la Seint Martin; e si le Guardireve averad trente hides, quite serrad pur sun travail. E si avoir trespasse par illoc u il deivent guaiter, e il ne puissent mustrer, ne cri ne force que lur fust faite, si rendissent l' avoir.

§ "x hides" in the manuscript, and "dis" in Fell. Perhaps for "un" we should read "iiij", as in the Latin text, and as in Selden.

XXIX. *De colonis terræ.*

Coloni et terrarum exercitores non vexentur ultra debitum et statutum. Nec licet dominis remove colonos a terris, dummodo debita servicia persolvant.

* Cil qui cultivent la terre ne deit l' um travailler ultre lour droite cense; non ne leist a seignurage departir les cultivateurs de lur terre pur tant cum il puissent lur dreit servise faire.

XXX. *De nativis.*

Nativi non recedant a terris suis nec querant ingenium unde dominum suum debito servicio suo defraudent. Si autem aliquis discesserit, nullus eum receptet, vel catalla sua, nec retineat, set faciat ad dominum proprium, cum omnibus suis, redire.

Les naïfs ki departent de lur terre ne devênt cartre de fauce-naiviriè quere, que il ne facent lur dreit servise que apend a lour terre. Li naïf qui depertet de la terre dunt il est nez e vent a autri terre, nuls ne l' retenget, ne li ne sez chatels, einz le facet venir arere a faire soun servise tel cum a li apend.

XXXI. *De terra colenda.*

Si domini terrarum non procurent idoneos cultores ad terras suas colendas, justitarii hoc faciant.

Si les seignurages ne facent altri gainurs venir a lour terre, la justise le facet.

XXXII. *Ne quis justum servicium domino subtrahat.*

Nullus pro quacumque remissione ei a domino gratuito facta, debitum subtrahat servicium.

Nului ne toille a soun seignur soun dreit servise, pur nul relais que il li ait faite en arere.

* The Holkham MS. terminates with the preceding law; and hence to the conclusion is given from the text contained in the history of Ingulphus, as published by Fell, compared with the texts given by Spelman (*Spicilegium ad Eadmerum*) and Wilkins, all of which are evidently much corrupted by the negligence of the transcribers. The more palpable errors have been silently corrected; but some misreadings yet remain, and must continue so, until the original MS. can be recovered. It is worthy of notice that the language of the whole version has a tinge of the "Langue d'oil;" and I should think that it was probably the production of a Poitevin or a Gascon, who used the dialect employed at the court of his Sovereign, but who could not entirely forget the familiar inflections of his native tongue.

XXXIII. *Ne foemina pregnans iudicium mortis subeat.*

Si foemina pregnans adjudicata sit morti, vel membrorum mutilationi, differatur executio sententiæ usque quando pariat.

Si femme est jugée a mort u a defaciun des membres ki seit enciente, ne faced l' um justice iesq' ele seit deliveré.

XXXIV. *De sine testamento morientibus.*

Si quis paterfamilias, casu aliquo, sine testamento obierit, pueri inter se hereditatem paternam dividant.

Si home mort senz devise, si departent les enfans l' erité entre sei, par uel.

XXXV. *Si pater filiam adulterantem reperit, vel filius uxorem patris.*

Si pater, filiam maritatum in adulterio deprehendit in domo propria, sive in domo generi sui, licet ei adulterium occidere. Similiter, si filius matrem in adulterio deprehendit, patre vivente, licet ei adulterium occidere.

Si le pere truvet sa file en avulterie en sa maisoun, u en la maisoun soun gendre, ben li laist occire le avultere. * * *

XXXVI. *De veneficio.*

Si quis alterum veneno occiderit; aut occidatur, aut in exilium perpetuum agatur.

Si home enpuissuned altre, seit occis, u permanablement eissiled.

XXXVII. *De jactura metu mortis facta.*

Si quis in periculo maris ad navem exonerandam, metu mortis, alterius res in mare projecerit, si suspectum eum habuerit, juramento se absolvit, quod nulla alia causa nisi metu mortis hoc fecerit. Res autem quæ remanent, ex æquo inter omnes dividuntur, secundum catalla singulorum. Quod si aliter actum fuerit, reddet dampnum qui intulit.

Je jettai voz choses de la nef, pur paour de mort et de ceo ne me pöez enplaider, kar laist a um faire damage a autre, pur paour de mort, quant per ele ne pot eschaper, e si de come viesceez que pur paour de mort ne l'feisse, de ceo m'espurgerai; e les choses que sunt remises en la nef seient departiz en comun, sulun les chatels, e si alcun jethed les chatels fors de la nef senz busun, si l' rendet.

XXXVIII. *Ne quis ex judicio alterius, præjudicium patiatur.*

Si duo aut plures hereditatem partiantur, et unus, sine altero vel aliis, in jus vocatus, ex insipincia vel alio casu amiserit; non debent partiarum inde dampnum sentire, quia res inter alios judicata, aliis non præjudicat; præsertim si presentes non fuerunt.

Dous sunt parceners de un erithet, e l' un est enplaidé senz l'altre; et par sa folie si pert, ne deit pur ceo l'altre estre perdant, qui present ne fud, kar chose jugé entre eus ne fors juge pas les autres qui ne sunt a present.

XXXIX. *De judiciis et judicibus.*

Diligentissime attendant judices ut ita judicent proximum, sicut se a Deo paciscuntur judicandos, cum dicunt, "dimitte nobis debita nostra sicut et nos dimittimus debitoribus nostris." Qui vero falsum judicium fecerit, vel injustitiam foverit, odio vel amore, vel pecunia, sit in forisfacto Regis de xl. solidis, nisi purgare se possit quod melius judicare nescivit, et insuper libertatem, si habuerit, amittat illam; nisi a Rege eam redemerit. In Danelahé erit in forisfactura de suo *laslite*.

XL. *Ne quis pro parvo delicto mortí adjudicetur.*

Prohibemus ne pro parvo forisfacto adjudicetur aliquis homo mortí. Set ad plebis castigationem, alta pena secundum qualitatem et quantitatem delicti plectatur. Non enim debet pro re parva deleri factura, quam ad imaginem suam Deus condidit et sanguinis sui pretio redemit.

XLI. *Ne christiani extra terram vel paganis vendantur.*

Inhibemus etiam ne quis christianum in alienam patriam vendat, et maxime infidelibus. Cavendum enim valde est, ne animæ in dampnationem vendantur, pro quibus Christus vitam impendit.

Ententivement se purpèsent cil que les jugements unt a faire, que si jugent cum ils desirent, quant ils dient "dimitte nobis debita nostra;" et nous defendum que l'um, Christien fors de la terre ne vende, n'ensurche-tut en paisnime. Wart l'um que l'um l'aume ne perde que Deu rechatat de sa vie. Ki tort eslevera, u fauz jugement fra pur curruz u pur hāure u pur avoir, seit en la forfaiture le Rei de xl. solz. s'il ne pot aleier que plus dreit faire ne l' sout, si perde sa franchise si al Rei ne l' pot reachater a soun plesir, e s' il est en Denelahe seit forfait de sa laxlite.

XLII. *De hiis qui justum judicium repellunt.*

Qui legem æquam, et justum judicium, subire renuit, forisfacturam reddat ei, cujus erit juris illam accipere. Si adversus Regem, vj libras; si adversus Comitem xl. solidos; si in hundredo vel in cujuscumque curia qui eam ex libertate habere debet, xxx. solidos Anglicos. In Danelahæ qui rectum judicium subire contempserit, erit in forisfactura de suo *laslite*.

E qui dreite lei e dreite jugement refuserad, seit forfait envers celi ki dreit ert, ceo est a saveir; si ceo est envers li Rei vi. livers, si ceo est envers Counte xl. sols., si ceo est en hundred xxx. sols., e envers touz iceus ki curt unt en Engleterre trente solz Engleis. E en Denelahe qui dreit jugement refusera, seit en la mercie de sa *laxlite*.

XLIII. *Ne quis Regi conqueratur nisi ei hundredus vel comitatus defecerit.*

Nemo querelam ad Regem deferat, nisi ei jus defecerit in hundredo vel in comitatu. ne face l' um pleinte a Roi, dici que l' um seit defaili el hundred u el conté.

XLIV. *Ne quis temere namnum capiat.*

Nullus namium capiat in comitatu vel extra, nisi rectum in hundredo vel comitatu tertio postulaverit. Quod si nec ad tertiam postulationem responsum acceperit, eat ad comitatum, et comitatus ponat ei quartum diem. Quod si nec tunc ei satisfactum fuerit, accipiat licenciam namium capiendi pro suo, et prope et longe.

Ne prenge hum nul nam en conté ne defors, dici qu' il eit tres foiz demandé dreit el hundred u el conté; e s' il a la terce fieé ne pot dreit aver, alt a conté, e le conté lui asete le quart jurn; e se cili defait de ki il se claime, dunt prenge congé que il puisse nam prendre pur le suen, luing e pres.

XLV. *Ne quis aliquid sine testibus emat.*

Nemo emat vel vivum vel mortuum, ad valenciam iiij. denariorum sine iiij. testibus, aut de Burgo aut de villa campestri. Quod si aliquis postmodum calumpniatus fuerit, et nec testes habuerit nec warantum, rem reddat et forisfacturam, cui de jure competit. Si vero testes habeat, videant rem tertio: et quarta vice, aut rem disrationet aut amittet.

Ne nul achat le vailiant de iiij. d. ne mort ne vif, sans testimonie de iiij. hommes u de burc, u de vile, e si hum le chalange, e il n' en ait testimonie, si n' ad nul warant rende l' um al hum soun chatel, e le forfait a cil qui aver le deit, e si testimonie ad, sicum nous einz desimes, voest les treis faiz, e a la quart feiz le dereinet u il le rende.

XLVI. *Ne probacio fiat super testes.*

Absonum videtur et juri contrarium, ut probatio fiat super testes, qui rem calumpniatam cognoscunt; nec admittatur probatio ante terminum statutum, scilicet vj. mensem, ex quo furatum fuit quod calumpniatur.

A nus ne semble pas raisoun que l'um face pruvance sur testimonie, ki conussent ceo que entercé est; e que nul ne l' prust devant le terme de vi. meis apres ideo que l' avoir seit emblé.

XLVII. *De rectato qui vocatus non comparet.*

Si quis malam habens famam et de infidelitate rectatus, tertio vocatus non compareat, quarto die ostendant summonitores tres defaultas, et adhuc summonitionem habeat, ut plegios inveniat et juri pareat. Quod si nec sic copiam sui fecerit, judicetur sive vivus sive mortuus, capiaturque quicquid habet, et redditis calumpniatoribus catallis, residuum dividant inter se ex æquo, dominus et hundredus. Quod si amicorum aliquis hanc justitiam diffortiat, sit in forisfactura vj. librarum versus Regem. Queraturque fur, nec habeat quisquam potestatem eum tenendi, vel vitam ei warrantizandi, nec ad placitum ultra recuperare potest.

E cil qui est redté e tēstemoniet de deleaute, e le plait tres foiz eschuit, e al quart mustrent li sumenour de se treis defautes: uncore le mande l'um que il plege trufe e vienge a dreit, e s'il ne volt, si le juist l'um u vif u mort; si prenge l'um quanque il ad e si rende l'um al chalangeur sun chatel, e li sire ait le meite del remenant e le hundred la meite. E si nul parent u ami ceste justise deforcent, seient en forfait envers li Rei de vi. lib. e quergent le larun, ne en ki poeste q'il seit trove, n'eit warant de sa vie ne par defense de plait n'ait mes recoverer.

XLVIII. *Ne quis hospitem ultra tres noctes non retineat.*

Nullus hospitem ultra tertiam noctem recipiat, nisi ille cum quo prius fuit, hoc ei mandaverit, nec permittat quis hominem suum postquam rectatus est, a se recedere.

Nuls ne receit hom ultre iii. nuits si tel ne li comand od qui il fuist a eisnez. Ne nuls ne lait sun hum de li partir, puis que il est reté.

XLIX. *Ne quis furem fugere permittat.*

Si quis latroni obvians sine clamore, eum transire permittit, in forisfactura sit ad valenciam latronis, nisi juramento probaverit quod eum latronem esse nescivit.

E ki larun encontre, e sanz cri ascient li leit aler, si l'amend a la vailaunce del larun, u s' en espurge per plenere lei, que il laroun ne l' sout.

L. *De non insequentibus clamorem.*

Qui clamore audito, insequi supersederit, de sursisa erga Regem emendet, nisi se juramento purgare potuerit.

E ki le cri orat e sursera, la sursise al Rei amendera, si ne s' espurget.

LI. *De culpato in hundredo.*

Si quis in hundredo inculpatus fuerit et a iiij. hominibus rectatus, purget se manu xij.

Si est ascons qui blamet seit dedenz le hundred, e iv. humes le rectent, sei duzime main s' espurget.

LII. *Ut dominus, in francplegio, habeat Servos suos.*

Omnes qui servientes habent, eorum sint francplegii, quod si rectati fuerint, ad rectum in hundredo eos habebunt. Quod si infra rectationem aliquis fugerit, Dominus solvat were, et si calumpnietur quod per eum fugerit, aut purget se manu sexta aut erga Regem emendet; et is qui fugerit, uthlagetur.

E chascun seniour eit soun seriant a sun plege, que si nul le rete, que il l' ait a dreit el hundred. E si il s' en fuist dedenz la chalange, li sire rende sun were; e si l'um chalange le seignour, que par li s' en seit ale, si s'escundie sei siste main, e s' il ne pot, envers li Rei l' ament; e cil qui s' en fuist, soit utlagé.

LAWS OF THE CONQUEROR, &c.

THE KING'S PEACE, &c. (I., II.)

THESE laws had a double object: the security of the right of sanctuary, and the observance of the peace; and they attempted to repress the crime by creating an additional party against the offender. All our churches, says Cnute (1, 3), whose laws are substantially copied by the Conqueror, are equal in holiness and consecration, but in worldly estimation they are not equally worthy; and upon this principle was formed the graduated scale.

The King's Peace, how given (see also p. 285).

As to the "King's Peace," the fines imposed were greatly varied by local customs, and the general rate was probably to be adopted, only where any special custom did not exist. Frequent mention is made of Peace given by the King's own hand—"Cyninges hand, sealde grithe," or by the Monarch giving his personal pledge that both parties should abstain from hostilities. It might be given in the same manner by the Earl or by the Gerefa; in the Wapentake or in the "Alehouse." But the breach of the King's Peace exposed the offender to very heavy fines, or even to capital punishment, whilst in other cases, more moderate penalties were imposed upon the transgressor.

Peace given by the King's hand or personal pledge.

Peace is stated in Domesday to have been given by the King's seal, that is to say, by a writ under seal¹. This prac-

Peace thus given by the King's writ and seal, the origin of the protections of later periods.

¹ Pax data manu Regis, vel sigillo ejus, si fuerit infracta, Regi solummodo emendetur, per duodecim hundredos, unumquodque hundredum octo libras.—Pax a Comite data et infracta, ipsi Comiti per sex hundredos emendatur, unumquodque hundredum octo libras (Everuicshire, p. 298).—Pax data manu Regis vel suo brevi, vel per suum legatum, si ab aliquo fuisset infracta, inde Rex centum solidos habebat; quod si ipsa pax Regis, jussu ejus a Comite data, fuisset infracta, de c. solidis qui pro hoc dabantur, tertium denarium Comes habebat; si vero a Præposito Regis, aut a Ministro Comitum eadem pax data infringeretur, per quadraginta solidos emendebatur, et Comitum erat tertius denarius. Si quis liber homo, Regis Pacem datam infringens in domo, hominem occidisset, terra ejus et pecunia tota Regis erat et ipse, *utlagh* fiebat. (Cestrescire, p. 262.) Si quis occideret hominem pacem Regis habentem, et corpus

tice, which is not noticed in the Anglo-Saxon laws, continued in the protections, granted at a much later period ; though after the general law of the King's Peace was established, such a charter had ceased to afford any special privilege. All the immunities arising from residence within the verge or ambit of the King's presence—from the truces, as they are termed in the Continental laws, which recurred at the stated times and seasons—and also from the "handselled" protection of the King, were then absorbed in the general declaration of the Peace upon the accession of the new Monarch. This custom was probably introduced by Henry II. It is inconsistent with the laws of Henry I., which, whether an authorized collection or not, exhibit the jurisprudence of that period, but it is wholly accordant with the subsequent tenor of the proceedings of the Curia Regis.

"The King's Peace,"
how proclaimed on the
accession of John (see
p. 285).

Proclamation of the
Peace on the accession
of Ed. I. (see p. 308.)

On the accession of John, or rather after he had acquired his inchoate right of accession, we find the ceremony particularly described. Hubert, Archbishop of Canterbury, and William Mareschal, who had been sent to keep the peace of England, caused all the men of the Cities and the Boroughs—all Earls, Barons, and Freeholders, to swear that they would be faithful and keep the peace of John Duke of Normandy, son of King Henry, son of Maud, the Empress, against all men². After the decease of Henry III. the same proceeding was repeated ; and though, in consequence of the greater stability which was now attached to the principles of lineal succession, Edward was already considered as King, still the allegation that the trespass was committed after the proclamation of the King's Peace by his Magnates³, appears to have been required in order to ground

suum et omnem substantiam forisfaciebat erga Regem. (Berochescire, p. 56.) These extracts, together with the other passages quoted p. 285, will sufficiently establish the position in the text. Outlawry was equivalent to a sentence of death, since the offender might be slain with entire impunity.

² Hoveden, p. 450.

³ Norff. *Stephanus, Serviens Personæ de Bekeswelle attachiatus fuit ad respon-*

the jurisdiction of the King's Council when a civil action was brought against the offender; and hence it may be inferred, that, before the Proclamation, the King's Court had no such authority.

"WERE," OR PECUNIARY COMPENSATION FOR PERSONAL INJURIES. (VII. TO XII.)

These fines, the most ancient safeguards of the administration of Teutonic justice, are detailed with greater minuteness in the laws of Ethelbert. In case of murder of a freeman, the first instalment of twenty shillings was to be paid at the open grave, or down upon the coffin⁴, and the residue within forty days. If the offender fled the country, his "Magas" were to pay the half; one of the many proofs of mutual responsibility of clan and kindred. The scale for personal injuries, inside and outside, and from head to foot, is extremely curious, as will appear from the following specimens.

"Were," i. e. damages or compensation paid for bloodshed or personal injuries—(see p. 44).

(P. 72—183, 184.)

If the hair be plucked or pulled, let fifty sceattas be paid in compensation. If the scalp be cut to the bone [of the skull], so that the latter appear, let compensation be made by payment of three shillings.

If the bone of the skull be injured, let compensation be made by payment of four shillings.

If the outer bone of the skull be fractured, let compensation be made by payment of ten shillings⁵.

dendum *Willielmo Belet*, quare, post pacem Domini Regis per Magnates suos nuper publice clamatum, usque ad curiam prædicti *Willielmi Belet de Marham*, vi et armis accessit, et domos ibidem prostravit, et combussit, et alia enormia ei intulit, &c.—Placita coram Consilio Domini Regis, Trin. 1 Ed. I.

⁴ Gif man mannan ofslæth at openum græfe, xx scillinga forgelde. Wilkins supposes that this law relates to offences committed at a funeral. Si quis aliquem occiderit ad apertum sepulchrum, xx solidos compenset (p. 3). By merely changing the position of the comma, the true sense is obtained. Gif man mannan ofslæth, at openum græfe xx scillinga forgelde.

⁵ Gif sio uterre *hion* gebrocen weordeth x scillingum gebete. Si id penitus ipsi

If both the bones [of the scull] be fractured, let compensation be made by payment of twenty shillings.

If the shoulder be lamed, let compensation be made by payment of twenty shillings.

If either ear lose its hearing, let compensation be made by payment of twenty-five shillings.

If an ear be cut off, let compensation be made by payment of twelve shillings.

If an ear be cut through, let compensation be made by payment of three shillings.

If a piece of the ear be cut off, let compensation be made by payment of six shillings.

If an eye be lost, let compensation be made by payment of fifty shillings.

If an injury be done to the mouth or the eye, let compensation be made by payment of twelve shillings.

If the nose be run through, let compensation be made by the payment of nine shillings.

If one of the cheeks be pierced, let compensation be made by payment of three shillings.

If both, let compensation be made by payment of six shillings.

If either of the nostrils be cut out, let each be compensated by payment of six shillings.

If either be cut through, let compensation be made by payment of six shillings.

Whoever fractures the chin-bone, let him forfeit twenty shillings for the offence.

For each of the front teeth, six shillings.

rumpatur, x solidis compenset. (Wilk.) The translation is unintelligible, but the reading of the text may be easily restored by comparison with the tariff of Alfred, who, amongst his head-wounds, includes the following fracture:—Gif thæt *utere* ban bith thyrel, gesylle fiftyne scilling to bote.

For the tooth that stands by the front teeth [on either side] four shillings.

For the tooth that stands by the last-mentioned tooth, three shillings; and for every other tooth, one shilling. If the speech be affected, twelve shillings.

If a shoulder-blade be broken, let compensation be made by payment of six shillings⁶.

Whoever pierces the arm, shall make compensation by payment of six shillings.

If an arm be broken, let compensation be made by payment of six shillings.

If a thumb be cut off, let compensation be made by payment of twenty shillings; and for a thumb-nail three shillings.

If the shooting-finger (*i. e.* the fore-finger) be cut off, let compensation be made by payment of eight shillings.

If the middle-finger be cut off, let compensation be made by payment of four shillings.

If the gold-finger (*i. e.* the ring or third finger) be cut off, let compensation be made by payment of six shillings.

If the little-finger be cut off, let compensation be made by payment of eleven shillings.

For every [finger] nail, one shilling.

For a smaller disfigurement or deformity [in the countenance], three shillings; and for a larger one, six shillings⁷.

⁶ Gif *wido ban* gebroced weordeth vi. scill. gebete. Si *Maxilla* fracta fuerit, sex solidi compensentur. (Wilk.) Wilkins, in this, as in many other instances, guessed at hap-hazard. The term is satisfactorily interpreted by the Frisic dialect: "*Wideben*, dat is sculterblad;" *i. e.* *wideben*, the shoulder blade, the wide or broad bone.—Hofm. Obs. apud Wiarda, B. W., p. 140.

⁷ Æt tham lærestan *wlite wamme* iii. scill. and æt tham maran vi. scill.—Wilk., p. 6. The following parallel passages are striking proofs of the similarity between the legal terminology of the Anglo-Saxons and of their Continental kindred. Pro minimo nævo tres solidi, et pro majoribus sex solidi. Si os fregerit vel *uulituam* fecerit, corpus, vel coxum, vel brachium perforaverit, ccxl. sol. vel cum undecim juret.—Lex Saxonum, tit. i. § 5. *Uulitiuam* l. solid. componat, vel cum sex juret.—Lex Anglorum,

If one man hit another on the nose with his fist, let compensation be made by payment of three shillings. If there be a bruise on the nose, one shilling.

If the injured party receive a bruise on the right hand, let the other make compensation by payment of one shilling⁸.

If a livid bruise be occasioned in a part which is not covered by the dress, let compensation be made by payment of thirty sceattas.

If the bruises be covered by the dress, twenty sceattas for each.

If the midriff be wounded, let compensation be made by payment of twelve shillings. If the midriff be pierced, let compensation be made by payment of twenty shillings.

If the "cear" be wounded, let compensation be made by payment of three shillings⁹.

tit. v. § 10. Sa is thi *wlite wlemelsa* tian *skitt*.—Asega Buch, p. 179. "So is any deformity to be compensated by payment of ten shillings." I translate the translation of the learned Wiarda. But is not the word *skitt*, which occurs not unfrequently in his text, equivalent to the Anglo-Saxon *sceatta*? *Wlite wimmelsa* is xxxii. penninge.—Old Frisick Laws, p. 362. Si ex percussione deformitas faciei illata fuerit quæ de duodecim pedum longitudine possit agnosci, quod *whitiuam* dicunt, ter iv. sol. componat.—Lex Fris. add. Sap. iii. 9. § 16.

⁸ Gif he *hearhe handa* dyntes onfehth scill forgelde; which Wilkins translates, "Si *elata manu* plagam exceperit, solido compenset;—but "*heahra hand*" means the *higher* or right hand. Högra-hand, S. G.—Ihre. In the Gothic dialects the right and the left seem to have been so denominated from relative position with respect to the sun. Looking towards the east, the south is on the right when the sun is at the highest. On the left is the north, the region of obscurity; and hence the left is denominated *Wynster* (A. S.), *Wœnster* (S. G.), *Winister* (Alem.), are all derived from the same root as *Finster* (Germ.), *i. e.* dark. An analogous idiom prevails in the Celtic dialects: *Dehoü*, or *Deheu* signifies the right, and the south; *Chuith*, the left, and the north (Baxter, Gloss. 104, 250). These expressions are retained by their Latin writers, such as Nennius and Asser.

⁹ Gif man *cear* wund iii scill gebete. Si callum quis vulneraverit, tribus solidis emendet. *Cear* in MS. Roff. extat, ex incuria scribæ pro *wear* positum esse credo, quia *cear* non est vox Saxonica (Wilkins). The emendation proposed by Wilkins is not very satisfactory;—perhaps we should read *ceac*, cheek; or, without any alteration, may not the word *cear* be the root of *cara*, R. L., *chiere*, R. F., and *cheer*, O. E., face or countenance?

If a man be emasculated, let compensation be made by payment of a triple "leodgeld."

If a thigh be broken, let compensation be made by payment of twelve shillings. If, in consequence of a fracture, the party become lame, then the relations may arbitrate.

If a rib be broken, let compensation be made by payment of three shillings.

If a thigh be stabbed, six shillings for every stab. If the stab be above one inch in depth, one shilling more; if above two inches, two shillings more; if above three inches, three shillings more.

If one of the vertebræ be wounded, let compensation be made by payment of three shillings.

If a foot be cut off, let a fine of fifty shillings be incurred.

If the great-toe be cut off, let a fine of ten shillings be incurred.

For every other toe, half the fine above declared for the corresponding fingers¹⁰.

If the great-toe nail be cut off, let thirty sceattas be paid for compensation. For every other toe nail, ten sceattas.

In the laws of Alfred, the "weres" are no less extensive; but the rates are usually, though not uniformly higher, probably owing to the greater plenty, and consequent depreciation of the currency.

The plaintiff must not heighten the "Leech-fee" (p. xcii.), by paying the surgeon more than he ought fairly to demand, for the purpose of increasing the costs of the defendant. And the defendant on his part must make due excuses, and acknowledge that, for the sum which he pays, he himself would

¹⁰ *Æt tham othrum taum gehwiltum, healf gelde, alswa æt tham fingrum is cwiden. Pro aliis digitis pedis singulis dimidium pretii, sicut de digitis manus dictum est, solvatur.*—Wilk., 6.

have pardoned the like injury. These regulations, which appear for the first time in the laws of William, betray the increasing inefficacy of this mode of compensation.

Scandinavian "Assurance of Truce" or "Trygdamal," given upon the payment of the blood-fine.

The Scandinavians have preserved the impressive "Trygdamal," the Assurance of Truce, which stayed the hand of the avenger.—"Strife was between Harold and Thorwald," spake the Judge; "but now I and the country have set peace between them. The fine hath been told which the Deemsters doomed; and let them be friends in the guild and the guesting-house, at the feast and in the folcmoot, in the church and in the hall." "May he who breaks his plighted troth be banished and driven from land and home, as far away as man may flee. Let him be a forflemmed man, whilst fire shall flame, whilst the grass shall spring, whilst the fir-tree grows, whilst the babe shall greet after the mother, whilst the mother shall give suck to the babe, whilst the ship shall sail, whilst the shield shall glitter, whilst the sun shall shine, whilst the hawk shall soar, whilst the heavens shall roll, whilst the wind shall howl, whilst the waves shall flow;—let him be forbidden from church and from Christendom, from the house of God and the fellowship of all good men, and never let him find resting place except in hell."¹¹ Where such a ceremony prevailed, the peace was evidently most binding, solemn, and conclusive.

Feud arising from bloodshed, the affair of the whole clan or kindred, not merely of the offender.

In England it may be doubted whether the acceptance of the settled "were" or blood-fine was in all cases compulsory upon the kinsmen. And the proverbial expression, "Bige spere of side, other bær, *id est* Eme lanceam a latere, aut fer¹²," seems to imply that whatever may have been the law, the custom allowed the relations to carry on the war, for it is thus that the feud was termed, until the one Clan or Family was fairly

¹¹ Paus Gamle Norske Löve, vol. i. p. 255;—a very valuable collection of the Norwegian laws, little known in this country.

¹² LL. Edowardi, 199.

defeated, or till both were tired into a compromise. And it may be remarked, that even to the last, the Anglo-Saxon law viewed the strife, as being the concern of the whole Sept or kindred¹³.

Under the Anglo-Norman Kings, the right of suit secured by the earlier law, and the right of vengeance, stronger than the law, both merged in the "Appeal," which either brought the feud to a conclusion by the duel of the parties; or left the defendant entirely at the mercy of his adversary, if, after putting himself upon the country, the voice of the Inquest declared him guilty of the charge. There is one ancient law-book in which we read, that such Appeals were prosecuted in the reign of Alfred, according to the form and fashion of Westminster Hall. Here also we find those singular details of Alfred's stern and vindictive justice, preserved in no other memorial, and not unfrequently quoted as possessing historical authority. The "Mirror of Justices" certainly exhibits a very singular degree of fluency in the application of names, sounding like Anglo-Saxon, at a period when they had ceased to be familiar to the multitude. Andrew Horne, Citizen and fishmonger and Town-clerk of London, the author of this treatise, was a man of no mean importance in his day; and Guildhall yet contains a manuscript collection of laws and statutes, compiled under his care, and which has always been treasured with great respect in the city archives. There is a tradition of an ancient book, written in Anglo-Saxon characters, whilome preserved in the same repertory, and whence Andrew Horne is thought by some to have derived his materials; yet if any such volume ever existed, we can place no great trust in the paraphrase. Andrew himself, unluckily, quotes the "Rolls of Alfred" with such

"Appeals" at Common Law substituted for the "Feud" or "Faída" of the Anglo-Saxon period.

Andrew Horne's "Mirror of Justices," compiled in the reign of Edward II., contains apocryphal accounts of Anglo-Saxon laws, &c.

¹³ Et in omni weregeldo, melius est, ut parentes homicidæ pacem simul habeant quam singillatim.—LL. Henrici I.

thorough confidence, that it is hardly possible to put any great trust in his warranty¹⁴. And whatever may have been the motives for the composition of the "Mirror," we are compelled to reject it as evidence concerning the early jurisprudence of Anglo-Saxon England.

OATHS AND COMPURGATION. (XIV. & XV.)

Compurgation (pp. 216, 262).

In the body of the work I have given the main outline of this procedure. Some of its details, however, require further illustration. All claims were established in the first stage by the

¹⁴ One of these precedents may perhaps amuse the legal reader:—

"Treason is set forth in appeals in this manner, *according as it is found in the Rolls in the time of King Alfred*:—Bardulf here doth appeal Dirling there, for that, in as much as this same Dirling was the ally of the same Bardulf, the said Dirling came such a day of the year, &c., and during the alliance ravished the wife of the same Bardulf, or counterfeited his seal, or did him some other mischief. Or thus, Hakenson, father, or other parent, or lord, or ally of this Dirling killed; or thus, remained in aid, and in counsel with Daffray, the adversary of this Bardulf, in speech which touched the loss of his life, or members, or of his earthly honour; or thus, discovered his counsel or his confession; or thus, whereas he ought to have a lawful inrolment according to law of such a plea, the same Dirling falsely inrolled the same to his disinherison, or otherwise to his damage; or thus, whereas he was his attorney in such a plea before such judges, to gain or lose, and should have done him right, he lost by his default, or by his folly, negligence, or collusion, or restored the thing on demand, or did him such hurt. Or thus, whereas he should have excused him, or essoined him such a day, &c., he suffered him to lose the possession, or such other thing through his default; or thus, whereas he ought to have truly spoken for him in such a case, the said Dirling did ill advise him, or speak against him in such a point. And afterwards thus: this treason did the said Dirling feloniously as a felon, and traitorously as a traitor; and if he will deny it, Bardulf is ready to prove it upon him by his body; or as a mayhemed man, or a woman, or a clerk ought to prove."—Chap. ii. sec. 13.

I have quoted the English translation, as more intelligible than the corrupted text of the printed original. I am not aware of any ancient manuscript of the Mirror, except the one in the Library of C. C. C. Cambridge (No. 258). As, in consequence of the liberality of the College, this invaluable collection, hitherto wholly inaccessible, will be virtually open to the public, it would perhaps be desirable to give a corrected edition of Horne's work, which is at least a very curious specimen of the apocrypha of the law.

oath of the Plaintiff, except when otherwise specially directed by the law. The oath by which any claim was supported, was called the Fore-oath, or "Præjuramentum," and it was the foundation of his suit. One of the cases which did not require this initiatory confirmation, was when cattle could be tracked into another man's land, and then the "footmark stood for the fore-oath." But it was the privilege of a Thane, as it was afterwards of a Baron, to appear by his True-man or Gerefa, who took the oath in his stead¹⁵.

Plaintiff's case supported by his "Fore-oath" (pp. 187, 188).

Thanes empowered to swear by their Gerefas or Seneschals.

Amongst the Teutonic nations, we find a great variety of oaths, devised for the purpose of impressing the conscience of the party; accompanied by strange and singular ceremonies, whose forms indicate the highest antiquity. In the "Lodthing" of Holstein, as amongst the ancient Bavarians, the party swore on the edge or blade of the sword¹⁶. Shakspeare, whether by accident or design, is strictly correct in the adjuration which he puts in the mouth of Hamlet of Denmark. The Alemannic widow appealed to her bosom¹⁷. The pagan Danes swore by the holy bracelet¹⁸. Relics, after the introduction of Christianity, were the most usual tests of truth. The "Haligdom" of the Saxon laws may have been the Sacrament of the Altar, or perhaps the Gospel Book. But, possibly, many of the modes of ancient adjuration were combined with the Christian ritual, by a people, who in all things adhered with much inveteracy to the customs of their ancestors¹⁹.

Oaths taken upon the sword (pp. 213, 222). The oath of the Echevins of the secret tribunals of Westphalia was taken in the same manner (v. post).

¹⁵ Athelstane II.; Canute II. 20.

¹⁶ Dreyer, Miscellaneen, p. 109.

¹⁷ Si autem fœmina dixerit, maritus meus dedit mihi *Morgengabam*, computet quantum valet, aut in auro, aut in argento, aut in mancipiis, aut in equo, pecuniam xii. sol. valentem; tunc liceat illi mulieri jurare per *pectus suum*, et dicat, quod maritus meus dedit mihi in potestate et ego possidere debeo. Hoc dicunt Allemanni, *Nastheit*.—Lex. Alem., tit. 56.

¹⁸ Sax. Chron. ad An. 876.

¹⁹ Thus in the "Mine-law" Court, of the forest of Dean, the parties and witnesses are sworn upon a bible into which a piece of *hollystick* is put, and are obliged to wear the *hooff* (Germ. *Haube*, Dan. *Hutfwe*, It. *Scuffia*), or working cap, upon their heads,

Mode of selecting the Compurgators perhaps altered about the time of the Conquest.

Upon the system of compurgation, it may be observed, that, in the time of the Conqueror, the oathsmen of the "unfaithful" culprit were named or chosen by both parties. This practice is not indicated in the parallel laws of Canute, and it introduced a material alteration in the trial. It is obvious, from the tenor of the laws, that this nomination was intended as a check upon the party who had to clear himself, but to what extent it operated cannot be ascertained; the complexion of the array depended upon the person who made the choice; and concerning this point the laws are entirely silent, except when a criminal was arraigned for the violation of the King's Peace, in which case the Compurgators were sought out by the Gerefa²⁰. Possibly the selection may have been made by the assent of the accuser and of the accused. The joint selection went out of use soon after the Conquest; and such regulations as are afterwards found with respect to compurgation in criminal cases, do not distinguish between persons of good or evil fame.

Privilege of the Citizens of London—entitled to kill any of the King's retainers, &c. attempting to obtain "hospitation" by force; in which case the Citizen was allowed to clear himself by the compurgatory oath of his kinsmen (see p. 218).

It was one of the liberties of London²¹, that no follower of the King's court or of any Baron could claim hospitation in the dwelling of a Citizen, without the permission of the owner. An intruder might be slain with impunity. If the Good-man of the house could shew by his own oath, and the oaths of six compurgators, selected by himself from amongst his own kinsmen, that the unwelcome guest was killed in his own

during their examination.—Rutter's Gloucester, p. 33. According to the Frisick law (XIV.), lots were cast with twigs, and joined to the oath of compurgation. Here also we discern an analogy to the coel-bren, the rod of divination of the Britons.

²⁰ Northumbrian Laws, Wilkins, p. 118.

²¹ De libertate Londoniensium. Sciendum item est quod homo qui de curia sit Regis, vel Baronum, in domo alicujus civis Londoniæ vi, vel liberacione vel consuetudine, nisi gratis hospitis, hospitari non debet. Si enim vim hospitandi ei in domo sua intulerit, ibique ab hospite occisus fuerit, eligat hospes sex de parentibus suis, et juret septimus, quia hac de causa prædicta eum occiderit. Sicque a nece defuncti versus regem, et parentes, dominosque defuncti quietus remanebit. MSS. Harl., 746.

wrong, then he, the manslayer, was discharged from all further prosecution, whether at the suit of the King, or of the relations of the deceased party, or of his lord. This custumal, which is not of later date than the reign of Henry II., is the last in which compurgation by kindred is specified. The charters which secure the right of compurgation to the Burgesses of different Burghs, invariably direct the accused to clear himself by the oaths of his Peers. The last instances of compurgation in criminal cases which can be traced, are the proceedings in the Hundred Court of Winchelsea. These are extremely curious, and afford a clear exposition of the manner in which the Anglo-Saxon proceedings passed into their secondary, or Anglo-Norman form²².

Compurgation retained in the Hundred Court of Winchelsea, temp. Hen. VI.

²² 19 Hen. 6.—In hundredo tento die Dominica quinto die mensis *Februarii* anno regni Regis *Henrici* sexti post conquestum Angliæ, decimo nono. Coram *Godardo Poulham* Majore villæ de *Wynchelse*, *Thoma Selton* (tunc deputat' *Willielmi Pope* ballivi dictæ villæ), *Rogero ate Gate*, *Johanne Godefrey*, *Thom' Thundir*, *Willielmo Allard*, *Ricardo Richorn*, *Thom' Wodeward*, *Johanne More*, *Johanne Knyth*.

Borough of Winchelsea considered as a Hundred (pp. 102, 217).

“*Johannes Thomas* de parochia de *Badynden* in comitatu *Kanciæ* Barber, super indictamentum ipsius *Johannis* per inquisitionem captam coram dicto *Godardo* Majore, quinto decimo die mensis *Januarii*, anno regni Regis *Henrici* sexti Angliæ, decimo nono, per sacramentum *Roberti Gaudir* et undecim sociorum suorum proborum et legalium hominum, de roberia et spoliacione ac felonica asportacione certorum bonorum cujusdam *Johannis Peris* de *Sandwyche* chapman, apud *Wynchelse*, tricesimo die mensis *Decembris* anno regni Regis *Henrici* sexti Angliæ decimo nono; videlicet de viginti denariis sterlingorum;—unum monile, vocatum *Agnus Dei*, argenteum et deauratum; quinque crucifixi argentei et deaurati,—undecim anulorum argenteorum et deauratorum ac aliorum bonorum in dictâ inquisitione specificatorum, ad valenciam viginti sex solidorum et octo denariorum, arreatus; dixit quod non fuit nec est culpabilis de felonia sic sibi imposita; et de felonia sic sibi imposita optulit idem *Johannes Thomas* se purgare secundum usum et consuetudinem libertatis villæ prædictæ: * * * et præceptum est dicto ballivo ad habendum corpus ipsius *Johannis* coram Majore et Juratis dictæ villæ in hundredo tento apud *Wynchelse* vicesimo sexto die mensis *Februarii* proximo venturo, ad audiendum et recipiendum quod *Justicia* exegerit et requisiverit. Et dies data est eidem *Johanni Thomas*, videlicet dictam vicesimam sextam diem mensis *Februarii* proximam venturam, ad habendum in dicto hundredo tunc et ibidem tento, coram dictis Majore et Juratis triginta sex probos et legales homines qui secum jurare voluerint et ipsum purgare, quod non est reus de felonia sibi imposita ad periculum suum.—Bib. Cot. Julius, B. 4, p. 66.

Felon indicted by Inquest of twelve men.

Allowed to clear himself by the compurgatory oaths of thirty-six, chosen by himself.

13 Hen. 6.—In hundredo tento die Dominica vicesimo quarto die mensis *Aprilis*.

(Pp. 100, 213.)

The presentation is made by twelve Jurors, representing the Thanes of the earlier era. The culprit is defended by his own oath; and if thirty-six neighbours, chosen by himself, concur in declaring him not guilty, he is absolved for ever of the charge.

Compurgatory oath in civil cases.

The oath by which the Principal waged his law in an action of debt, is given in the customs appended to Athelstane's Statute. "I owe neither scott nor shilling, penny, nor penny's worth; all that I contracted to do, have I performed;" and which in substance has been retained by the Courts to the present day.

See Blackstone, iii. 343.

In those proceedings, which were analogous to our actions of detinue, being brought for the recovery of a specific chattel, the compurgation was united to the voucher given by the war-

anno regni Regis Henrici sexti Angliæ tertio decimo, quædam *Agnes Archer*, quæ indictata fuit per duodecim probos et legales homines, juratos coram *Willielmo Fynche* Majore et Coronatore pro Rege infra libertatem villæ prædictæ ad inquirendum per sacramenta sua, quomodo *Alicia Colynbourgh*, quæ inventa fuit mortua infra dictam libertatem, ad mortem suam veniebat, et quis causa ejus mortis fuit; adducta fuit in pleno hundredo per servientes ballivi, modo felonico, nuda capite et pedibus, discincta, et manibus deligatis, tendens manum suam dexteram altam, per communem clericum arreinata fuit in his verbis:

Arraignment.

"*Agnes Archer*, is that thy name? whych answered—Yes.—*Agnes Archer*, thou arte endyted that thou the seventh daye of Apryll, the yer of Kyng *Herry* the sexte of England thirteenth, felonly robbydest one *Alis Colynbourgh* of six sponys of sylver, pris of twelve shillings sterlyng, of a gyrdylle harnesssed with sylver, pris six shillings and eight pence, and of five shillings sylvyr thanne beyng in the same *Alis* purse, at the Strande called the Trecherye, within the frauncheyse of the town of *Wynchelsea*. Also thou art endyted that thou, the same day, yeer, and place, the said *Alys* felonly morderiste hyr with a knyff fyve tymes in the throte stekynge, throwe the wheche stekyng the saide *Alys* is deed. What sayste thou thereto?—Whych sayde and answerede, I am not guilty of thoo dedys, ne noon of hem, God help me so. Clericus. Howe wylte thou acquite the?—Wheche answerede—By God and by my neighbours of this town."

Extunc recitatum fuit ei, quod si vellet se ipsam acquietare per patriam, quomodo ipsa deberet se acquietare per triginta sex homines quos ipsa elegeret de quibuscumque patriis vellet, et quod sibi detur dies ad habendum dictos triginta sex homines, se acquietanda, * * * * * et prædicta *Agnes* rogavit et requisivit Judicem, videlicet Majorem et Consules suos juratos, ut suam acquietanciam poterit habere de hominibus infra libertatem villæ de *Winchelsea*, quæ petitio, dictæ *Agnetæ* concessa fuit.—Bib. Cott., Julius, B. 4, p. 57.

These entries are drawn up with more than ordinary barbarity.

rantor, and the "cyre-ath" was possibly the "wager of law" in such a proceeding.

In the records of the King's Court, the wager of law appears to have been usually by twelve²³; and I have not yet found any instance in which the practice noticed by Fleta, of doubling the compurgators against the witnesses, has prevailed. The presumptive evidence of the Secta was required, before the Defendant was driven to wage his law. But if the suit was brought by the King, then it seems, that the person accused or impleaded, had not this safeguard against a vexatious prosecution. To remedy this abuse, the twenty-eighth chapter of Magna Charta was enacted; but in more modern times, it does not appear that any such testimony was required²⁴.

Wager of Law (p. 262),
from the reign of John.

WARRANTY. (XXI.)

According to the Danish and Norwegian Law, the "Hjemmelsmand," the "Hemoldborh"²⁵ of this law, and the "fidejussor" of an analogous chapter in William's Statutory Charter²⁶, is the guarantee, the person bound to restore the property

Warranty-explanations
afforded by the Danish
law.

²³ *Lambertus Molendinarius* queritur quod *Claricia*, uxor *Laurencii* fil' *Walteri* vendidit ei cervisiam, per falsam gallonam, et inde producit sectam; quæ testatur quod ipsa [secta] interfuit, ubi ipsa *Claricia* ita vendidit per illam gallonam, scilicet ad denarium tres gallonas. Et *Claricia* venit et defendit quod non vendidit per illam gallonam quam ipse dicit esse falsam, ut per gallonam integram, sed ut per dimidiam gallonam. Defendat se duodecima manu in adventu Justiciariorum. It. *Bedeford*. 4 Joh. Selden quotes a similar instance of "law" by twelve.—*Hengham Magna*, p. 15.

²⁴ Nullus Ballivus de cætero ponat aliquem ad legem manifestam, nec ad juramentum, simplici loquela sua, sine testibus fidelibus ad hoc adductis. In the Customs of Manchester, as confirmed by Thomas de Gresley, Lord of the Town, 29 Ed.I. (*Aikin's Manchester*, p. 585), is the following article:—"Item nullus potest vicinum suum ducere ad sacramentum, nisi habeat sectam";—which seems to shew that the abusive custom of commencing actions without a "secta" of witnesses, already began to prevail, and that a protection from such claims was considered as a special franchise.

²⁵ *Baden*, *Juridisk Leksikon*, p. 121.

²⁶ *Interdicimus autem ut nulla viva pecunia vendatur aut ematur nisi intra*

(P. 188.)

which he has sold, if the purchaser should be lawfully evicted. The “warrantum,” therefore, was probably equivalent to the Team of the Anglo-Saxon law, *i. e.* the evidence of the birth and rearing of the Chattel; a fact which might also be proved by “three parts” of his neighbourhood, perhaps by three adjoining townships. If such proofs could not be produced, then the witnesses were to come forward, and the compurgatory oath, the “simplex juramentum,” was to be added to their testimony; yet this only discharged the Defendant from the “were” due to his Lord, and the property itself was to be restored to the claimant.

FRANKPLEDGE. (XX.—XXV.)

Canute's Law of Free-
borgh (p. 196).

It is provided by the Law of Canute, “That every freeman “who will entitle himself to the privilege of compurgation and “the protection of the *were*²⁷, shall be included in the hundred “and in the tything, to meet any accusation which may be “preferred against him, as soon as he attains the age of twelve “years, whether he be householder or Follower, so that every “one may be in the Hundred, and under Pledge or Borgh; and “let the Pledge keep him and hold him to right, or produce “him according to law.”

If there is any collective liability *directed* by this law, it arises by implication; for the “borgh” or pledge applies only to the “Folgher,” the inmate or retainer, and thus it is clearly ex-

civitates, et hoc ante tres fideles testes, nec aliqua res vendita sine fidejussore et warranto; quod si quis aliter fecerit, solvat, et persolvat, et postea forisfacturam. Wilkins, p. 218. That is to say, he was to pay the value to the plaintiff, the *were* to his Lord, and the *wite* to the Sovereign.

²⁷ And we wyllath, that elc freoman beo on hundrede and on teothunge gebroht, the lade wyrthe beon wylle, othe weres wyrthe, gif hyne hwa teon wylle, ofer that he byth twelf wintre, oththe that he ne beo æniges freohrihtes wyrthe, sy heo heorthfæst, sy he folgere, and ælc sy on hundrede and on teothunge, and on *borge* gebroht, and gehealde se borh hine, and gelæde to ælcan rihte.—ii. 19. Wilkins, p. 196.

pounded by William's Law. There were territorial divisions termed Tythings, in the reign of Athelstane; and as they existed, and still do exist, more definitely as territorial districts, in the western counties, than in any other part of England, it may perhaps be supposed that they originated from the ancient Trefs of the British Cantred. Such divisions, however, are clearly to be distinguished from the personal arrays²⁸. A further approach may have been made to this system, if the neighbours from whom the compurgators were selected, were told off, in bodies of ten men, according to the later law²⁹. But there is no proof of their collective responsibility.

²⁸ The marked distinction between the personal and real Frankpledge, will be understood by the following examples. In the first, the Frankpledge is always described with reference to the Chief Pledge; it is the array of the *people*, not the designation of the *territory* :—

Thomas Shiel occidit Walterum Carrectarium de Slale, et fugit, et fuit in franco plegio Ernaldi fil' Michael', in Slolegh, et idem in misericordia, et ipse malecreditur, et ideo exigatur et utlagetur.—Rot. Itin. Warrewic, 16 Hen. III.

Radulphus pistor Ricardi Roff' Episcopi, occidit Gregorium fil. Radulphi et fugit, &c. Et Robertus le Potter primus inventor non venit, et attachiatus fuit, per Stephanum le Tannour le Borgesaldre cum Borga sua, et non habuerunt eum, et ideo in misericordia.—Rot. Itin. Kanc., 11 Hen. III.

But where the real Frankpledge prevailed, then the words Tything, and Township, are used as synonymous terms; and the frankpledge is always connected with the district, and never with the person of the Chief Pledge; it is the description of the *territory*, not of the *people*.

*Radulphus Badnel et Adam de Bolonia verberaverunt Willielmum de Cumpton, de die, ita quod prædictus Willielmus infra quindecim dies post, obiit. Et Radulphus statim fugit et malecreditur * * * * * et fuit in Thedinga de Herticumbe, et ideo in misericordia. Et prædictus Adam nulla habuit catalla, et fuit in prædicta Thedinga. Et Villa de Herticumbe non cepit prædictos Robertum et Ada, ideo in misericordia.*—Rot. Itin. Devon. 23 Hen. III.

²⁹ The original text of a law of Athelstane, which might have thrown more light upon this question, is lost. We have its substance in two distinct versions, the one, given by Brompton (p. 847), and found in many manuscripts, the Spelman MS. for instance, and MS. Cott. Claud. C. ii.—the other, only in the Holkham Manuscript, and from which the following extracts are made, retaining all the barbarisms of the original, whereby, to use the expression of a friend, it is rendered almost as unintelligible to a classical scholar, as if written in Cingalese:—Hæc est consi-

Bye-law of the Witen-
agemot of Kent, for the
purpose of enforcing
the general statute of
Athelstane (p. 194).

In the very singular law or bye-law enacted by the men of Kent pursuant to the general statute of Athelstane, a regulation somewhat analogous to the Frankpledge is prescribed; not as a universal regulation, but as an expedient to diminish the responsibility of the superior. According to common right, the Lord was to be the pledge that none of his men would commit theft. If his ceorls were so numerous that he could not reasonably undertake the charge, then he was to appoint a Reeve in each township who would be answerable to him, and would take upon himself to rely upon the good conduct of the ceorls; but if the Præpositus found any ceorl whom he could not trust, then, and in that case, the suspected party was to find twelve of his kinsmen who would be the pledges for his good abearing³⁰.

liatio, quomodo centenarius conventus observari debet. Imprimis, quidem, quod semper circa quatuor septimanas congregetur, et quisque alii rectum faciat. Diximus etiam de ignoto pecore ne quis illud habeat, absque testimonio concionatoris vel *decimationariorum*, et hic sit fidelissimus.

If this be compared with Brompton's version, we may judge of the difficulty which the ancient translators found in understanding the Anglo-Saxon Statute;—Hoc est iudicium qualiter hundredum teneri debeat. In primis ut convenient semper ad quatuor Abb'as [hebdomadas?] et faciat omnis homo rectum alii. Si necesse sit in manibus, indicetur hominibus hundredi, et ipsi postea denuncient hominibus decimarum, et eant omnes pariter, quo Deus annuerit.

Perhaps there were two republications of the same law.

³⁰ Karissime, episcopi tui de Kent et omnis Kentescire, Thayni, Comites, et villani tibi, Domino dilectissimo suo, gratias agunt, quod nobis de pace nostra præcipere voluisti, et de commodo nostro querere et consulere, quia magnum opus est inde nobis, divitibus et egenis. Et hoc incepimus quanta diligentia potuimus, consilio sapientum horum, quos ad nos misisti; unde, charissime Domine, primum est de nostra decima, ad quam valde cupidi sumus et voluntarii, et tibi supplices gratias agimus admonitionis tuæ. Secundum est, de pace nostra, quam omnis populus teneri desiderat, sicut apud Greateleyam sapientes tui posuerunt, et sicut etiam nunc dictum est in consilio apud Fefresham. Tertium est, quod gratiant omnes misericorditer Karissimum dominum suum de dono quod forisfactis hominibus concessisti, hoc est quod pardonatur omnibus forisfactura de quocunque furto quod ante consilium de Fefresham factum fuit, eo tenore, quod semper deinceps ab omni malo quiescant, et omne latrocinium confiteantur, et emendent hinc ad Augustum. Quartum, ne aliquis recipiat hominem alterius, sine licentia ipsius, cui prius folgavit, nec intra

In Kent, therefore, the collective pledge was not the general law, but an exception to the general law; and the special "borh" of the kinsmen was superadded to the general responsibility of the Mægth or Clan. Though not the Freeborgh itself, this arrangement probably constituted an important step towards its general adoption. And we discover traces of a similar practice at a much later period, when the offender was let out upon the "borh" or suretyship of his "decenna"³¹.

At some period towards the close of the Anglo-Saxon monarchy, the Freepledge was certainly established in the greater part of Wessex and Mercia, though even there some special exemptions existed³². The system was developed between the accession of Canute and the demise of the Conqueror;—and

marcam nec extra. * * * * Septimum est, ut omnis homo teneat homines suos in fidejussione sua contra omne furtum. Si tunc sit aliquis qui tot homines habeat quod non sufficiat omnes custodire, præpositum talem præponat sibi singulis villis qui credibilis ei sit, et qui concredat hominibus. Et si præpositus, alicui eorum hominum concredere non audeat, inveniat xij. plegios cognationis suæ qui ei stent in fidejussione. Et si dominus vel præpositus vel aliquis hoc infringat vel abhinc exeat, sit dignus eorum quæ apud Greateleyam dicta sunt, nisi Regi magis placeat alia justitia.—Spelman, MS.

³¹ *Willielmus Gom de Pakelesham* rectatus de latrocinio. Ita quod idem *Willielmus* arestatus fuit pro eodem latrocinio, et commissus fuit per plegios, scilicet franco plegio suo, *Gerardo Nolle de Pakelesham* cum tota decenna sua, habendo coram Justiciariis, et non habuerunt, ideo in misericordiâ. Et Juratores dicunt quod malecredunt eum, ideo exigatur et utlagetur.—Plac. de Hund. de Rocheford, 19 Hen. III. Essex, m. 10.

³² The County of Salop was thus exempted, as appears from the Rolls of Proceedings before the Justices Itinerant:—Totus Comitatus recordatur quod nullum murdrum est in comitatu isto, nec Englescheria presentatur nec aliquis est in decenna.—Rot. It. Salop. 40 Hen. III. The City of Worcester, in like manner—Villa Wigorn, *Osbertus Kide* occidit *Alvricum le Bere* in domo *Johannis de Bisele*, et fugit in ecclesiam et abjuravit Regnum, et non fuit in franco plegio, quia nullum francum plegium est in civitate nec warda quæ debuerat respondere de hujusmodi. And a further entry is added, "nullum habetur murdrum infra villam."—Rot. It. Wigorn, 5 Hen. III. Bristol, nearly in the same words:—*Jordanus Crokarius* occidit *Thomam Textorem*, &c. et fuit manens in Bristollia, sed Juratores dicunt quod nullum est ibi francum plegium nec warda, quæ debuerat respondere de fugitivis.—Rot. It. Glouc. 5 Hen. III.

That the whole of England, north of Trent, was exempted from the frankpledge,

Many parts of England exempted from the Freepledge (see p. 202).

it is not improbable but that the Normans completed what the Danes had begun. The latter lived in a state of great insecurity; and a law enforcing the mutual liability of their discontented peasantry, would assist in ensuring the safety of the Lord, just as the "murdrum" was a security for the life of the Danish traveller. And the northern counties, in which the Danes had wholly amalgamated with the English population, were exempted both from the frankpledge and from the murder-fine, because the union of the races had effaced their ancient discord.

Collective Frankpledge probably enforced by the Conqueror (pp. 201, 202.)

(P. 200.) That such a police would be improved, extended, and enforced by the Normans, may be readily conceived, and the confederation of the people in the "Leet" of the Hundred, which, like other ancient popular assemblies, was both a weaponshaw and a court of justice, would afford a most convenient opportunity for requiring the general oath of allegiance, and for calling over the names of the bands of the villainage, arrayed for the watch and ward of the district, and upon whom the mutual liability was imposed. No direct proof can be afforded of this hypothesis; but a strong reason for believing that it approaches to the truth, is found in the comparative unimportance of the Frankpledge anterior to the Conquest, and in the great weight attached to the institution in the period subsequent to that era.

(P. 202.) is proved by the following important presentment:—Comitatus recordatur quod nulla Englescheria presentatur in Comitatu isto, nec murdrum, nec est aliqua decenna nec visus francplegii nec manupastus in Comitatu isto, nec unquam fuit in partibus borealibus citra Trentam.—Rot. It. Westmorland. 20 Ed. I. If some doubt is thrown upon this presentment by a passage (probably interpolated) in the so called Laws of the Confessor, it is entirely confirmed by the circumstance, that in the Placita de Quo Warranto, no claims of view of Frankpledge can be found in the northern counties; nor have I yet discovered any appearance of the frankpledge upon the Rolls of the Iters of the Northern Counties. It is impossible to speak positively to a negative proposition; and in the vast mass of these most valuable records, all of which are still un-indexed, some entry relating to the Collective Frankpledge may be concealed. Yet, from their general tenor, I doubt whether any will be discovered.

The "view of frankpledge," as held by Lords of Townships, distinct and severed from the tourn of the Hundred, was still more recent. It was a principle of law, that this franchise could only be deduced from an "antecessor" who had come in with the Norman Conqueror³³. But, however established, the collective frankpledge had no necessary connection with the numerical organization of the Hundred. The bands might be composed of ten, of seventy, or of eighty persons; but ten was the smallest number admitted; and it is probable that the fine was only imposed when the number fell below this complement. Hence ten came to be considered as the established number. Yet in the reign of Edward II. the men were told off in "dozeins," at least in the counties to which the author of *Fleta* refers³⁴.

Collective Frankpledge
not invariably composed
of the same number
(see p. 197).

³³ Nec est juri consonum quod aliquis Magnatus attrahat tenentes suos quin pro pace conservanda bis veniant ad turnum Vicecomitis per annum, maxime illi quorum antecessores ad conquestum non venerunt.—*Placita de Quo Warranto*. Rutland, 14 Ed. I. p. 671. This is the rejoinder of the Attorney-General. The defendant, without producing a charter, had pleaded the enjoyment of the view of frankpledge from time whereof, &c.

³⁴ This fact, nowhere alluded to in any of our law books, appears most clearly from the fragments of Anglo-Saxon customary laws, preserved in the *Holkham Manuscript*. It is curious to observe, that the name of "Decimatio" was applied to any number of which the collective Free Borgh was composed:—

"Decimatio continet decem, septuaginta, vel octoginta homines, secundum loci consuetudinem, qui omnes debent esse fidejussores singulorum, ita quod si quis illorum, calumpnia patitur, cæteri illum producant ad justitiam; et si negat, ex sua propria decimatione, purgationem legalem debet habere. Decimatio autem alicubi dicitur vulgo, *Warda*, id est, observatio, scilicet, sub una societate urbem vel centenam debent servare. Alicubi dicitur, *Borch*, id est, fidejussor, propter superius dictam causam, scilicet fidejussorem communem; alicubi vero, decimatio, quia decem ad minus debent inesse."

Fleta speaks only of *dozeins*. His description of the view of frankpledge exhibits the array, as it was organized in the later periods of the law:—"Soit enquis, si toutz les chiefs plegges soient venus a la veue, et si ils eyent leurs dozeynes entieres.....de ceux de douze auns que sont enfuys hors pris clerks, et chevalers, et leur enfaunz, et femmes que ne sont mie en dozeyne * * * * * Et soient les chiefs plegges amerciés qui ne averont mie leur dozeynes entieres illouques en present, si ilz ne peussent estre escusez, par la mort de ascun, ou de plusors."—Chap. 29.

Frankpledge not connected with any political right or privilege—(p. 192).

To understand the subject thoroughly, would require diligent search amongst the records of local jurisdictions; and it is possible that evidence may be concealed which would sanction conclusions different from those which I have formed; but, as yet, no authorities have occurred to me shewing any connection between the collective frankpledge and any political right or privilege, except so far as, in very modern times, the insertion of the name of an individual in the roll of the Leet became evidence of resiancy. The jurisdiction of the Hundred Court, and the Frankpledge held in the Hundred Court, are institutions entirely distinct from each other. The Frankpledge was a restriction imposed upon those classes, who, from their situation, were originally considered as liable to suspicion and distrust. It was a system merely calculated to keep the people in subjection, and not inadequately contrived to answer that purpose³⁵.

Theft—general obligation of pursuing the offender with hue and cry (p. 210).

THEFT, FRESH SUIT, &c. (IV.—XIV.)

In certain cases, no pursuit could legally justify the infliction of capital punishment, unless the party injured concurred in the "suit."

It was the duty of all persons to join in the pursuit of the offender. "If any one meet a thief, and willingly allow him to escape without hue and cry, let him make compensation, according to the amount of the Thief's '*Were*,' or shew by full compurgation that he has not connived at the Thief's escape; and if any one, hearing the hue and cry, refuse to join therein, let him forfeit for his contempt to the King, or clear himself by full compurgation³⁶." All persons were thus bound to assist in the apprehension of the criminal; but in some cases the right of inflicting summary punishment belonged to the

³⁵ It must also be recollected that though the leet and the view of frankpledge are usually conjoined, yet that the Leet is the Court, and the view of frankpledge an arrangement *superinduced* upon the Court.

³⁶ Canute, ii. 26. See also Ina, 36.

injured individual; and the law of William (Cap. IV.) directs that the person who followed and executed the Thief, without the "suit" of the party damnified, should forfeit ten shillings for "heng wite," rather as a compensation to the party out of whose hands the halter had been taken, than as any atonement for the irregularity. But it is evident that this law only applies to a particular case, and the general course of the law shews, that the co-operation of the parties damnified was not necessary to legalize the chace of the felon.

A grant made by Ethelred contains a narrative affording a curious exemplification of such proceedings³⁷. Three brothers

Charter of Ethelred, containing a narrative curiously illustrating the principles of Anglo-Saxon jurisprudence.

³⁷ Quicquid perpetualiter permanens, a secularibus agitur, seris litterarum firmiter muniri debetur, quia hominum fragilis memoria, moriendo obliviscitur, quod scriptura litterarum, servando retinet. Unde ego *Athelred* gratia Dei *Anglorum* Rex, cunctis meis volo notum adesse fidelibus, quod ego jure hæreditario cuidam meo militi nomine *Athelwig* quinque trado mansos in villa quæ a notis vocatur *Eardulfes lea*, ut vitâ comite, eos possideat, et postquam dies extremus, ejus clauserit oculos, cuicumque amico voluerit, in perpetuam derelinquat possessionem. Sit autem præsens donatio absoluta ab omni servili jugo, tribus tamen rebus exceptis, populari scilicet expeditione, arcis constructione, et pontis restauratione. Qualiter vero præsens terra in mea advenerit manu, brevi volo enucleare sermone. Tres fratres in quodam residentes convivio, quorum, unus homo, nomine *Leofric* instigante diabolo, furatus est frenum. Quo invento in ejusdem sinu, concito cursu qui frenum perdiderunt, et tres fratres prædicti furis domini, concito cursu bellum invicem insurgentes inierunt, duobus vero fratribus in bello peremptis, *Ælfnod* scilicet et *Ælfric*, vix tertius *Athelwine* cum prædicto latrone evasit, Sanctæ Helenæ intrans ecclesiam. Circummanentibus vero hæc eadem audientibus, *Athelwig* meus præpositus in *Bucingaham*, et *Winsige* præpositus in *Oxonaforda*, inter Christianos prædictos sepelierunt fratres. *Leofsige* igitur Dux, audito hoc verbo, meam adiit præsentiam, præfatos incusans præpositos, peremptis fratribus non recte inter Christianos sepultis. Ego autem nolens contristrari *Athelwig*, quia mihi erat carus et preciosus, una simul et sepultos cum Christianis requiescere permisi et prædictam terram eidem in hæreditatem concessi perpetuam.***** Hoc autem præcipiens præcipio, ut nulla aliorum librorum scedula, nostro libello præcelli videatur, set in perpetuum delitescat et aboleatur.

[Here follows a description of the "five hydes of land at Eardulfe's Lea, by metes and bounds."]

Scripta est hæc scedula anno ab incarnatione Domini *DCCCCXCV*. indictione *XIII*. his testibus consentientibus, quorum inferius nomina caraxantur.

Ego *Athelred* Rex Anglorum, Basileus, hujus doni libertatem totius regni fastigium tenens, libenter concedo vel largior et consentio vel hilariter confirmo.

The Lords, Superiors, or "Seniors" of the thief attempt to defend him; two are slain; the third and the offender take refuge in a sanctuary.

are drinking at a feast or guild. Leofric, their *man* or vassal, has stolen a bridle, probably an article of value, and adorned with gems or gold. It is found in his bosom. Those who have been robbed, pursue him, and are opposed by the Lords of the Thief. A fray arises; Alfnod and Alfric, two of them, are killed in the conflict; Athelwine, the third, takes refuge in a sanctuary, together with the thief; Athelwy of Buckingham, and Winsige of Oxford, the King's Gerefes, give Christian burial to the slain. Upon this, the Ealdorman or Duke, Leofsig, repairs

Ego Siric [*Dorobernensis* ecclesiæ præsul confirmavi.]

Ego Ælfstanus *Lundoniensis* ecclesiæ præsul corroboravi.

Ego Ælfhegus *Wintoniensis* ecclesiæ præsul confirmavi.

Ego Æscuwig *Dorcensis* ecclesiæ præsul dictavi.

Ego Ælfric *Wiltoniensis* ecclesiæ præsul consolidavi.

Ego Ealduf *Wigoracensis* ecclesiæ præsul adquevi.

Ego Osbyrht *Australium* ecclesiæ præsul subplevi.

Ego Ælfheagus *Licetfeldensis* ecclesiæ præsul gaudenter consensi.

Ego Athulf *Herefordensis* ecclesiæ præsul adjuvavi.

Ego Ælfuold *Crydiensis* ecclesiæ præsul sustentavi.

Ego Uulfsige *Scyreburnensis* ecclesiæ præsul lætus desiderio donavi.

Ego Athelwærd dux exultanter munio vel affirmo, præsens testis adsto,

Ego Ælfric dux signum crucis imprimo vel sustento.

Ego Ælfhelm, dux—Ego Leofuine, dux—Ego Leofsige, dux—

Ego Ælfuueard, abbas—Ego Ælfsige, abbas—Ego Brihtnoth, abbas—Ego Brihtelm, abbas—Ego Leofric, abbas—Ego Ælvere, abbas—Ego Ceanulf, abbas—Ego Ælfric, abbas—Ego Ælfhun, abbas—Ego Germanus, abbas—Ego Ælfsige, minister—Ego Ordulf, minister—Ego Leofric, minister—Ego Uulfheah, minister—Ego Uulfric, minister—Ego Uulfget, minister—Ego Athelnoth, minister—Ego Athelric, minister—Ego Athelsige, minister—Ego Athelmær, minister—Ego Ceolmund, minister—Ego Uuihtsige, minister—Ego Ætheluuig, minister.—Bib. Cott. Claud., B. vi. p. 97.

In the preceding list of the members of the Witenagemot, the Bishops describe themselves. All the "Duces" or Ealdormen can be identified. Leofsige, who appears to have been on ill terms with Ethelred, was banished by him in 1002, for slaying Æfic (perhaps the Athelwig of the charter), the King's Heah Gerefes. Ethelward was killed in the fatal battle of Assingdon, 1016.—(Sax. Chron.) Elfric or Alfric holds a very conspicuous though dishonourable station in the history of the reign of Ethelred in manner before detailed; and Elfhelm was slain at his instigation in 1006. Leofwin was the son of Ethelwin or Aylwin, the Ealdorman of East Anglia, and who had succeeded to his father's earldom, on the death of the latter A.D. 992.—(Sax. Chron. ad an. Hist. Rams., p. 414.) The Ministri, or Thaness, correspond to the Barons of the Anglo-Norman period.

to the King, and informs against the Gerefas, who had violated the law. But the King, not willing that Athelwine, who was dear to him, should be grieved or troubled; grants Eandulph's Lea to his favourite, a demesne which, as must be inferred from the recital, had escheated to the Crown by the forfeiture of some of the guilty parties³⁸.

The King's Gerefas give Christian burial to the parties slain, which being contrary to the law, they are accused by the Dux Leofsig.

We have here a lively portraiture of the state of Anglo-Saxon society, as well as of the law, and of the abuses which the law attempted to remedy—the guild—the robbery—and the instant pursuit of the delinquent; we see the superiors, who are bound to bring the culprit to justice, abetting him in his wrong, and we witness the attempts made by the injured party to obtain restitution, ending in the loss of many lives. This Charter seems also to establish that land escheated for felony; but whether the subject of this grant was the property of the Thief, or of the Lord who defended him, is not to be clearly ascertained.

Land probably escheated to the King, in case of felony.

All the principles of these judicial customs of the Anglo-Saxons continued unchanged, after the establishment of the English or Anglo-Norman Common Law. The failure to join in the "hutesium" was a misdemeanour; and the punishment followed instantly upon the detection of the Thief. But the absence of the "mainour," or the neglect of "fresh suit," averted the summary punishment; and if inflicted in such cases, the execution was considered as an offence, and as a perversion of the law³⁹.

Summary punishment, and the principles which guided it, not changed in the Anglo-Norman period, or in the early ages of the Common Law (see pp. 210, 211).

³⁸ This Land-boc is also a valuable and singular specimen of a grant made in full Witenagemot. Amongst other particulars, it shews the great antiquity of the form of our indictments, which charge that the crime was committed at the instigation of the Devil.

³⁹ *Ricardus Pyre et Willielmus Red*, latrones, inventi fuerunt in domo *Walteri Parys* in villa de *Tuggeford*, et per clamorem patriæ capti fuerunt et decollati; et *Walterus Parys* receptator eorum, statim fugit et malecreditur. Ideo exigatur et utlagetur. Et villa de *Tuggeford* non cepit dictum receptatorem, ideo in misericordia.—Rot. It. Salop, 40 Hen. III.

40 Hen. III.—Thieves pursued by the outcry of the country, and immediately beheaded—(p. 210 to 212).

Contumacious offenders, or those who refused to appear after presentment or accusation, apprehended by the "Gerefa," and compelled to find surety or "Borh," which if they failed to do, they became liable to capital punishment.

Alteration of the law—the power of making arrests having been given in the earlier laws of Edgar, to the suitors or members of the court.

Offender to be buried in unhallowed ground; any person abetting him

The person who harboured the thieves presented by the Jury as being in malecurrence, and therefore he is outlawed (pp. 206—259). Township amerced for failing to apprehend the receiver (p. 203). 20 Ed. I.—Two thieves executed by the judgment of the Burghmoot of Appleby, without fresh suit, and after they had parted with the mainour (p. 211). Liberty of the Town seized into the King's hands, in consequence of this illegal judgment (p. 212.)

Whoever, after having been found "untrue to all the people," refused to appear before the Folkmoot, was, according to Ethelred and Canute, to be pursued by the King's Gerefa or Sheriff. In this case it will be recollected, that the offender was in the situation of a party presented by a Grand Jury or indicted. He was not taken in the fact and forthwith abandoned to the vengeance of the party, but he was accused in open court, either by a presentment of the fact, or by that vehement suspicion which was considered as nearly equivalent to full proof, and thereby rendered amenable to the law of the community, from which he was to receive his doom.

In the earlier law of Edgar, it is directed that certain persons from the "gemot" are to be selected, who are to ride after the delinquent; and the substitution of the Gerefa in the place of the suitors, may be considered as indicating the increase of the executive authority. It was passing from the minor Commonwealth, to the Monarch of the whole State. Now, the Sovereign carried the law into effect—heretofore the people had that power. The officer was to attach the culprit, and compel him to give surety or "borh," and these manucaptors were to produce him in judgment, to answer such accusations as might be preferred against him; "but if he hath no surety, slay him, and let him lie in unhallowed ground, and whoever

Juratores presentant quod *Johannes filius Nicholai de Appleby*, et *Willielmus Sutor* furati fuerunt quandam tunicam, ultra moram de *Steynmore* in Comitatu *Ebor'*, sed nesciunt in quo loco;—quam quidem tunicam postea vendiderunt apud *Penreth*, et post factum redierunt apud *Appleby*, et ibidem capti fuerunt per ballivos ejusdem villæ, et ibidem, coram *Willielmo de Goldington* tunc Majore et *Hugone le Graunger* et *Thome Weynd* Ballivis et *Johanne de Karliolo* et *Nicholao* fil. *Nicholai* coronatoribus et tota communitate villæ prædictæ, absque secta alicujus, seu manuopere, per considerationem Curie de *Appleby* suspensi fuerunt. *Et quia fecerunt judicium super ipsos absque secta alicujus seu manuopere*; ideo ad judicium de tota libertate, &c. Postea per justiciarios, eadem libertas capta est in manu Domini Regis pro prædictis transgressionibus; et *Johannes de Helton* et *Johannes le Irreys* fecerunt sacramentum coram justiciariis ad respondendum fideliter de exitibus et proficuis ejusdem villæ ad Scaccarium.—Rot. It. Westmoreland, 20 Ed. I.

“assists him in resisting the officers of justice, shall sustain the same doom⁴⁰.” Canute, by the advice of his Witan, renewed the penalty of 120 shillings, to be paid by those who refused to assist in the pursuit, which fine was retained by the Conqueror. This law of “borh” was strictly and rigorously enforced. The only indulgence obtained by the culprit, was, that he might be allowed to continue in fetters and bonds until the requisite surety could be found. He might be redeemed at any time before execution; and the happy arrival of the fidejussors who rescued the votary of good St. Wilfred from an undeserved and ignominious death, is a miracle which holds a conspicuous place in the legend of the Patron of Ripon⁴¹. No class of perils, whether arising from flame or flood—no kind of signal deliverance, whether from the sword of the robber or the jaws of the lion—will be found to furnish so many incidents in the Acts of the Saints,—those inexhaustible mines of information concerning the manners and opinions of the middle ages—as the dangers resulting from the law, and the oppressions of those by whom it was administered.

It must, however, be recollected, that the execution of the culprit was the consequence of a full and legal presentment, which may occasionally, as in the legend, have fallen upon the innocent, but which was not an arbitrary suspicion; it was

to sustain the same punishment as the principal.

Laws of Canute and Edgar repeated by the Conqueror (XLVII.)

Miracle of St. Wilfred—two sureties arrive at the critical moment when an offender, under the foregoing circumstances, is about to be executed.

Dangers and oppression of the laws, furnish most abundant materials for the incidents of the Acta Sanctorum.

Yet the punishment of death, when inflicted as above mentioned, is only another application of the laws which allowed of the instant execution of the outlaw or friendless man.

⁴⁰ Edgar, 78. Canute II. pp. 30—39. William’s law is nearly a translation from Edgar. So far as concerns the punishment of the abettors, and their exclusion from Christian burial, these enactments were only declaratory of the law, as appears from Ethelred’s Charter.

⁴¹ Adolescents quidam, cum furti et latrocinii in civitate Eborum argueretur, vinculis mancipatus, diuque reservatus, cum non esset qui fidejussoriam pro eo porrigeret cautionem, tandem adjudicatus morti, ad supplicium ducebatur.—He implores the aid of St. Wilfred, not forgetting his orisons to St. Alchmund and St. Tilberht. The executioner lifts up his sword, and prepares to strike—in qua morula, ecce duo juvenes, equis velocissimis vecti, ocius advolant: ac *more patrio* cautione pro eo præstita, adolescentem nece eripiunt, absolvunt vinculis, et liberum abire permittunt. (Acta Sanctorum, Sept. vol. iii. p. 118.)

(See p. 205.)

(p. 210.)

Extreme severity of punishment inflicted by Edgar.

grounded upon a mode of testimony guided by legal forms, and prescribed by the usages of the country. As I have before observed, the same doctrine, that the thief was false to the community, is to be traced in the legislation of the Carolingian Kings⁴¹; and, indeed, the law is only a variation of the general principle adopted towards the outlaw long after the Conquest:—death was to be his lot, unlamented and unavenged.

Edgar had greatly increased the punishment for theft. After experiencing the most frightful mutilations, the half-living carcass of the malefactor was cast to the beasts of prey and the fowls of heaven⁴². Canute attempted slightly to mitigate these inflictions. Mutilation was again enforced by the Assizes of Henry II.⁴³ But although the Common Law of England

⁴¹ Capit., lib. ii. 23.

⁴² Wolstan, in his Metrical Life of St. Swithin (Lel. Coll. i. 55), expatiates on these acts of *justice, piety, and benignity*.

Præcipit interea Rex justus et inclytus Edgar,
Quosque minis terrendo malos, lex staret ut ista
Gentis in Anglorum diffusis limite, quòd si
Fur aliquis, seu prædo ferox inventus eâdem
Adforet in patriâ, crudelia damna subiret,
Lumine privatus miser et cæcatus utroque;
Tortor eique simul nares præcidat et aures;
Truncaretque manus plantasque securibus actis;
Subtraheretque omnes capitis cum pelle capillos;
Seminecemque virum, pænâ cruciante peremptum,
Projiceret canibus rabidis exactor edendum
Nocturnisque avibus corvis et edacibus; atque
Membratim in vacuas cæsum dispergeret auras.
Stat prædicta pii lex et sententia Regis
In commune bonum, quam sanxerat ille benignus.
Exploratores sylvarum densa peragrant;
Prædonesque locis investigantur opacis,
Et membris cæsis præbent spectacula plebi.

Such modes of government might well enable Edgar to repress robbery and sedition—Tempore suo, latrones nulli fuerunt, nec aliquis qui guerram vel turbationem in regnò movere audebat.—Brompton, 869.

⁴³ See Assize of Clarendon, post.

did not shrink from capital punishment, there was a sufficient feeling of humanity to induce the Courts of Justice to refrain from these exacerbations of death, which have so long disgraced the penal codes of the continental nations; and which, in the earlier periods of our history, contributed so powerfully in perpetuating our national aversion towards the Civil Law.

FORMS OF CIVIL PROCEEDINGS. (XLIIL., XLIV.)

The previous "demand of right," in the Hundred or Shire Court, expressly prescribed by Canute, whose law is translated by the Conqueror, is indicated, though less clearly, in the laws of Ina. The power of compelling appearance by distress, or taking pledges, was probably more particularly adapted to personal actions, though it may have been occasionally the mode of enforcing a claim to land, when the demandant was not *quite* powerful enough to make an entry upon the property. It must be particularly recollected, that this mode of proceeding was the only mode of enforcing the appearance of a defendant by the Common Law; it has only gone out of use at a very recent period; and the process of "capias," was created not by law, but by the astuteness of the officers of the Court of Common Pleas, and the willing aid of legal practitioners.

Distress or "namium," the first proceeding by which the appearance of a defendant was enforced.

No other process originally known to the Common Law. — (See p. 181.)

When the Defendant was brought before the Folkmoot, the party declared against him, according to ancient usage, repeating the accustomed and traditional forms. A most singular succession of rhythmical lines, apparently adapted to the assertion, or perhaps to the defence of the rights arising out

Legal forms declared or enounced in poetry or rhythm (see pp. 142—148).

Poetical formula adapted to the claim or defence of a real action,

* Canute II. 18. And ne nime nan man nane næme, ne innan sciran, ne ut of scire, ær man hæbbe thriwa on hundrede his rihtes gebedan. The translation given by Wilkins, is curiously incorrect:—*Et nemo alicujus hominis nomen, intra vel extra Provinciam assumat, antequam ter a centuria jus ejus sit postulatum.*

preserved in the "Textus Roffensis" of Ernulphus, similar in spirit to the "Trygdamal."

of land, is preserved in the well known collection of Ernulphus⁴⁵; and the comparison of the Anglo-Saxon "Law-speech"

⁴⁵ Of this singular relic I have been favoured with translations by the two most distinguished Anglo-Saxon scholars of the present day, the Rev. J. A. Conybeare and Mr. Price. The original is extremely obscure. It is uncertain whether it is properly to be considered as the *claim* of a demandant, who has begun by taking possession, or the *plea* of a tenant, who rebuts the attack. Mr. Price inclines to the opinion, that it contains a series of forms, united by the transcriber. The following lines may serve as a specimen of the rhythm:—

Ic agnian pille
To agene achte
Thæt thæt ic hæbbe
And neƿe thæt yntan*
Ne plot ne ploh
Ne tūƿe ne toft
Ne fūh ne fot mæl
Ne land ne lære
Ne ƿeƿe ne meƿe
Ne nuh ne nom
Wædeƿ ne ƿeldeƿ
Londeƿ ne ƿtondeƿ
Wealdeƿ ne ƿæteƿe
Do ƿƿa ic lære
Teo the be thinum
And læt me be menum
Ne gýne ic thineƿ
Ne †latheƿ ne landeƿ
Ne ƿace ne ƿocne
Ne thæƿe ne mýnte
Ic the nan thing.

The "*general words*," or descriptions of the appurtenances of land, in the Anglo-Saxon Charters, (the "all and singular houses, out-houses, edifices," &c. of a modern deed,) have a great correspondence with these lines, shewing how their rhythmical forms were ingrafted upon the Anglo-Saxon law. "Windsor and Stanes" are thus granted to St. Peter by the Charter of the Confessor (Monasticon, vol. i. p. 298), with all that thereto belongeth:—

Binnan buhch und butan
Mid ƿace and mid ƿocne
Mid toll und mid theame
And mid inƿangenetheoƿ
On ƿode and on ƿelde
Be ƿtƿande and be lande
On ƿtƿate and of ƿtƿate.

* Yntan is unknown to me. Can it be connected with "hyntha," "damage," "loss," and mean, "I will never suffer loss of it;" or is it an error for ymtian, pro *æmtian* vacare? (I. A. C.) The T. R. reads *thæt yntan*, which I know nothing of. The C. C. MS. reads *the myntan*, perhaps preserve or keep it.—(R. P.)

† A "Lathe" may imply a district, as in Kent. Mr. Price, however, supposes, that we should read "lædes," and that it is the same with the Icelandic *lad*, a grassy spot

with the "Trygdamal" of the Northmen, affords a proof of the conformity of the proceedings, and of the principles upon which they were founded.

"So I hold it as he held it, who held it as saleable, and as I will own it—and never resign it—neither plot nor plough—land—nor turf nor toft—nor furrow nor foot length—nor land—nor leasow—nor fresh nor marsh—nor rough ground nor room—nor wold nor fold—land nor strand—wood nor water." "Do as I rede thee"—is the reply.—"Keep thee to thine own—leave me to mine own—I covet not thine—neither lathe nor land—nor sac nor soc—Nor covet thou mine—nought need I from thee—nought did I mean unto thee."

All the Anglo-Saxon oaths are couched in a kind of easy alliterative rhythm—prose flowing into irregular verse; enough to aid the memory and to guide the ear, though not circumscribed by any regular metre⁴⁶. And, notwithstanding the labours of Augustine, it is to be suspected that the ancient wedding form is yet retained in our ritual, when the wife is

Anglo-Saxon oaths shewing many vestiges of metre. The "Wedding" form, as retained in England at the present day, also derived from the ancient poetry of the law.

This is the usual enumeration. But other phrases employed in the Rochester Rhyme are often found in the Charters. This fact shews that originally, and before the introduction of written instruments, the land was *granted* by a form similar to that by which it was *demanded* or defended; and it is most probable that even after written instruments became in use, the ancient traditional form was recited by the party, when he delivered seisin of the property. And hence, in the Latin Charters, these lines, or others of similar import, are frequently inserted in the vulgar tongue. The Clerk ingrossed the *Land Boc*, the Thane addressed the Witan of the Folkmoot, in which the conveyance was made.

⁴⁶ The "old English law of promotion" (p. 30) is evidently part of a poem. The introductory lines completely retain their metrical form:—

Hit ƿæȝ hƿilum
On Engla lagum
That leod and lagu
For begethincum.
And tha ƿæpon leod ƿitan
Weoƿthƿiceƿe ƿeoƿthe,
Ælc bȝ hȝ mathe,
Eoƿl and Ceoƿl
Thegen and Theoden.

taken “to have and to hold—from this day forward—for richer
“for poorer—for better for worse—in sickness and health—to
“love and to cherish—till death us do part”⁴⁷.”

These words, as a learned Catholic divine, Bishop Chaloner, observes, are inserted in our service according to the ancient Canon of England; and even when the Latin mass was sung by the tonsured priest, the promises which accompany the delivery of the symbolical pledge of union, were repeated by the blushing bride in a more intelligible tongue.

Scandinavian law forms
—singular efficacy as-
cribed to them (p. 149)

The binding force, which the Northmen in general ascribed to their legal formulæ, is a very curious feature in their jurisprudence. The words of power, were considered as having an efficacy in themselves, without requiring either the assent or the understanding of the party to whom they were addressed. It was sufficient that the words were spoken. Once uttered, the charm had struck, and could not be dissolved.

The whole Saga of “Gunlaug with the serpent’s tongue” turns upon this idea. The youthful poet sought instruction in the law from Thorstein the wise. A year was passed in listening to Thorstein’s lessons; but the severer studies of Gunlaug were relieved by the contemplation of the charms of the

⁴⁷ In the older marriage forms, the rhythm is more strongly marked than in that which is now in use. According to the usage of Salisbury, the bride answered: I take thee, John, to be my wedded husband—to have and to hold—fro’ this day forward—for better for worse—for richer for poorer—in sycknesse, in hele—to be bonere and buxom (*i.e.* obedient; Germ. *biegsam*) in bedde and at borde—till death do us part [if Holy Church it well ordain]—and thereto I plight thee my troth. This, in fact, is the *wedding* or *sponsio*, the civil ceremony, to which the Church has added the benediction. The penultimate clause is evidently a Christian insertion. The form was adopted with some very slight variations in the other English dioceses. Thus, in the province of York, or, to speak more correctly, in the kingdom of Northumbria, the bridegroom’s promise was to the following effect:—I take thee, Alice—to my wedded wife—to have and to hold—at bedde and at borde—for fairer for fouler—for better for worse—in syknesse in hele—till deth us depart. See Selden (*Uxor Hebraica*, lib. i. c. 28). The Belgic form of espousals, which he gives, is the English form in substance, but brought down into plain prose.

fair-haired Helga, the daughter of the Sage. It chanced that they were sitting at the board, when Gunlaug spake to Thorstein:—"One law-form yet remaineth, which thou hast not taught me; nor do I yet know how a maiden is to be wedded." Thorstein answered, that few words were needed; and he recited the form of espousal. Gunlaug then craved leave to repeat his lesson to Helga; a request to which the father assented, slightly hinting that the sport was idle. The lover, however, persisted, and pronounced the wedding words with audible precision and solemnity, and named his witnesses. All who were present laughed at the playful children; but in the aftertime, Gunlaug vindicated his right to the hand of Helga, in bloodshed and in death⁴⁸.

THE KING'S HIGHWAYS. (XXVI.)

In the Latin text of the laws, only three of the King's Highways are mentioned;—the French, or Romance, text has the usual number of four, corresponding with almost every other authority. Antiquarians have not altogether determined upon the lines taken by these communications. Even Stukeley, who travelled along them, and with no small danger of dislocations and contusions, was frequently at fault, and compelled to desert these venerable ruts of Belinus, and to amble again upon the Turnpike of King George. The main track, however, of "Watling Street," the most important in history, as it became the boundary of the Danish and English States, is ascertained with tolerable accuracy. "Fosse" is also perfect in parts; and though it was not a public frontier, it often divides manor from manor. Higden, diligent and laborious, uniting the information which he obtained from the stores of the library

The four "Highways of the King"—Watling Street, Fosse, Irmin Street, and Ikenild or Rikenild Way or Street (see p. 284).

⁴⁸ Gunlaug's Saga.

with the fruits of his own observation, has described the general directions of these ways with some degree of minuteness and accuracy; and we may be content to follow Irmin Street and Rikenild or Ikenild Way, according to the route which he has laid down ⁴⁹.

The privileges of the "four ways," gradually extended to all public streets and highways.

Originally these ancient "Streets" seem alone to have enjoyed the privileges ascribed to Belinus. But the rights of the King were easily extended to all public roads; the property of the soil was considered as vested in him. If a stone was removed from the street, the Magistrates had the power to punish the offence as the most heinous robbery ⁵⁰.

⁴⁹ *Molmucius*, Kyng of Brytons, was the xxiii. of them, and fyrst y^t gaf them lawe. He ordeyned that plowmen solowes, Goddes temples, and hygh wayes that leden men to cytees and townes, sholde have the fredome of socoure, so that euery man that went to ony of the thre for socoure or for trespas y^t he had do shold be sauf for poursute of all his enemyes. But afterward, for that wayes were uncertayne and stryf was had, therfore *Belinus*, the kyng that was y^e forsayd *Molmucius* sone, for to put away all doubt and stryfe, made four hyghe kynges wayes, pryveleged with all pryveleges and fredom. And the wayes stretch thorough the Ilonde. The fyrst and gretest of the four wayes is called *Fosse*, and stretcheth out of the south into y^e northe, and begynneth from the corner of Cornewayll, and passeth forth by Devenshyre, by Somersete, and forth besydes Tethbury, upon Cotteswolde, besyde Coventre, unto Leycetre, and soo forth by wylde pleynes toward Newerke, and endeth at Lyncoln. The seconde chyfe kynges hyghe waye is named *Watlyngstrete*, and stretcheth thwert ouer Fosse out of the south in to the northe weste, and begynneth at Douer, and passeth by the myddell of Kente over Tamyse, besyde London, by west Westmynstre, and so forth, by Saynt Albion, in the west syde, by Donstable, by Stratforde, by Towcetre, by Wedon, by South Lylleborn, by Atheriston, unto Gilbertus hylle, that now is called Werkene, and forth by Severne, and passeth besydes Wroketre, and thenne forth to Stratton, and so forth, by the myddell of Wales unto Cardykan, and endeth atte Iryshe see. The iii waye is called *Erymynggestret*, and stretcheth out of the west north-west into eest south-eest, and begynneth in Menevia, that is in Saynt Davyd londe, in West Wales, and stretcheth forth unto Southampton. The fourth is called *Rykenildestrete*, and stretcheth forth by Worcestre, by Wycombe, by Brymyngham, by Lychefelde, by Derby, by Chestrefelde, by Yorke, and forth unto Tynmouth.—Trevisa's Polycronicon, lib. i. c. 45.

⁵⁰ This happened at Bath, in which city three unlucky travelling workmen removed a great stone, for which they were seized by the Magistrates;—ferocious animals as they are every where,—says Gozeline, the narrator of the miracles of St.

Many British tumuli and fortifications are cut through by the four ways, in different parts of their course; it is possible that, in some instances, an older British causeway may have been repaired by the Romans; but no satisfactory opinion can be formed, until the whole of Britain shall have received illustrations as copious as those bestowed upon the county, which, containing Stonehenge and Amesbury, has been explored with unwearied zeal and enthusiasm.

(See Sir Richard Colt Hoare's Wiltshire.)

The Saxons transferred their own local traditions to the highways of Britain; even as the Franks had done in Gaul. Brunehault there obtained the supremacy of the causeways of the Empire;—not the Queen of Sigebert, but the Brinhilda, of the songs of the Edda, transformed by popular belief into a Sorceress, and whose mythic character has a strange analogy to the misdeeds and cruelty of the Frankish Queen. “Watling Street” was the name applied to the Milky-way. Chaucer and Gavin Douglas thus describe the starry zone⁵¹. If we seek the etymology of “Watling Street” in the Anglo-Saxon, it appears to be the path of the wanderer⁵². Later traditions considered the galaxy as pointing out the road to the shrine of St. Jago. Mahomedan piety views the circle of light as

Mythological traditions connected with highways. “Chaussées de Brunehault” in Belgic Gaul.

Watling Street — the Milky-way called by the same name. Supposed by the Franks and Spaniards to indicate the road to St. Jago; by the Mahometans as pointing to Mecca; and the “Way of Souls” of the Iroquois.

Augustine (Acta Sanct. Maii, vol. vi. p. 403).—Hinc indignati, præsidēs et iudices oppidi irruunt in eos, ut sunt *passim*, *homines ferini*, hiantes ad prædam; raptosque hos tres advenas, velut regii juris invasores et publici prædones, simul in arctissimum cippum, omni compede durius, constrinxere.

⁵¹ ————— lo the galaxy,

The whiche men clepen the Milky-way,
For it is white, and some, par fey
Ycallin it han *Watlyngstrete*.

House of Fame, book ii. v. 427.

Of every sterne, the twynkling notes he
That in the still hevin move in cours we se
Arthur's house, and Hyades betaikning raine,
Syne Watlingstrete —————.

G. Douglas, p. 85.

⁵² From *Wæol*—vagabundus, erraticus.—Lye.

pointing to the holy Mecca; and the Iroquoise consider it as the path of souls. Whether the Anglo-Saxons had any similar belief cannot be ascertained; but the appropriation of the same identical name to the starry circle and also to the earthly road, may induce us to suppose that the latter had some connection with the astral mythology of the early age.

Irmin Street—its connection with the pillar of Irmin, the Irminsule, the principal idol of the "old Saxons."

"Irmin Street" is more evidently related to the worship of the old Saxons. Irmin, in the cloudy Olympus of Teutonic belief, appears as a king and a warrior; and the pillar, the "Irminsule," bearing the statue, or considered as the symbol of the Deity, was the Palladium of the Saxon nation, until the temple of Eresburgh was destroyed by Charlemagne, and the column itself transferred to the monastery of Corbey, where perhaps a portion of the rude rock idol yet remains, covered by the ornaments of the Gothic era. The investigation of the character and attributes of this Deity, or Demigod, has long employed the erudition and excited the imagination of the learned of Germany, who, as is often the case, dazzle us with a display of riches which we cannot employ, and overwhelm us with erudition, which sometimes confounds even those by whom it is possessed. Protection and power, however, seem to have been ascribed to the Irminsul, and as such, we may conjecture that the great Highway was placed under the same tutelary Deity, and that the sanctity of religious feeling was invoked in aid of the municipal law⁵³.

⁵³ The reader who wishes for further information on the subject of the Irminsule, may consult the older treatise of Meibomius, "De Irminsula Saxonica," or the more modern productions of Von der Hagen (Irmin, Seine Säule, &c., *Breslau*, 1817), and Grimm (Irminstrasse und Irminsäule, *Wien*, 1815). The latter treatise, in particular, contains a profusion of mythological and etymological learning, of which I have availed myself. It has been a great matter of dispute, whether Irmin should be identified with Mars, or with Mercury. The name of the Temple speaks in favour of the first etymology; the name of the Deity, for the last.

MAGICAL POWERS ASCRIBED TO THE FORMS OF THE LAW.

Amongst the Scandinavians, the law embraced all living things. Brute beasts were included in the social compact; the industrious beaver, according to the laws of Haco, the foster-son of Athelstane, had "his house even as the bonde;" and if the beaver were killed, a fine of three marks was paid both for bloodwite and hamesoken, to the beaver's Lord, the owner of the ground. It may be thought, at first, that this compensation was made upon the familiar principle of indemnifying the proprietor for the loss of the fur; but such an interpretation, though more practical and homely, is contradicted by the language of the Code, which speaks expressly of the domicile of the animal, and of his rights as an inhabitant. But the grim denizens of the forest, the enemies of mankind, were declared to be out of the protection of the law. "Bear and wolf shall be outlaws in every place"⁵⁴; a phrase which affords a most singular and pertinent commentary upon the definition of an outlaw—the Bearer of the Wolf's head—according to our own jurisprudence. Yet, even the bear was entitled to due notice. If Bruin robbed and spoiled his two-legged countrymen, it was necessary to summon a Tinwald Court, in which he was declared to be liable to condign punishment⁵⁵.

The terrific "war-wolf," or "loup-garou," seems to have been originally only the "Wargus;" a wretch banished from his fellow-creatures by the judicial sentence which forbade his nearest kindred, his wife or his child, from affording him the smallest

Ancient superstitions of the law amongst the Scandinavians, &c. (see p. 149.)

Animals dealt with, as if they were reasonable creatures.

Bears and wolves considered as outlaws by the Norwegians.

Hence perhaps the origin of the ancient legal phrase, "lupinum caput gerere," as applied to an outlaw (see p. 210).

The "Wargus" of the Salic and Ripuarian laws, one banished from all human society—the "War-wolf," or "Loup garou."

⁵⁴ Biorn ög úlf, skal hvervetna útlægr vera.

⁵⁵ Saga af Finboga hinum rama, or Tale of Finbog the Strong—*Copenhagen*, 1812, p. 247. The bear is killed by Finbog in single combat; but the hero treats his antagonist with chivalrous courtesy, and has many parleys with him. Werlauf, the learned Editor, adds, that the opinion that Bears have a reasonable knowledge of Danish, is yet prevalent in Norway.

aid⁵⁶. And it is not altogether difficult to understand how the depredations to which such a wretched outcast was incited by his need, or prompted by his ferocity, may have contributed to form the popular notion of this direful visitant. Nor is it less singular that the crime which, amongst the Franks, more particularly drew down this punishment, was the spoliation of the corpse. The vengeance of the disembodied spirit may have been considered as concurring in the punishment of the unhappy offender; aided by the imprecations, which, in the day of paganism, accompanied the sentence thundered forth from the rocky temple,—the scene of government, of judgment, and of unholy sacrifice.

Animals banished by legal decrees.

Analogous ideas may be traced throughout the middle ages; and it was supposed, that noxious vermin—rats, mice, and even insects—would obey the decree of a civil tribunal. These strange acts were occasionally accompanied by sentences of excommunication, which were to be enforced if the defendants failed to obey the sentence which expelled them. The Church remonstrated against this abuse; but it indicates that the source of these opinions is to be found in the ancient connection between the rites of religion and legal ceremonies. Both proceeded from the same source; and the might of the Hierophant was united, in the opinion of the people, to the solemn forms of the law⁵⁷.

Vampires liable to legal process — ejected by action, and burnt by sentence of the Magistrate.

Hence, they extended it not only to man, but to the Fiend. When the ghastly corpse was tenanted by the foul spirit, who raised the carcass in all the loathsomeness of the grave, for the purpose of tormenting the survivors, the Northmen addressed the “Gienganger⁵⁸,” as an illegal trespasser, bound to obey

⁵⁶ Lex Salica, § lvii. de corporibus spoliatis, 5. Lex Ripuaria, § lxxxv. de corpore spoliato, 2.

⁵⁷ It is, perhaps, not altogether owing to accident, that the metrical claim (p. cxxxiv.) is united in the Textus Roffensis (p. 51) to an exorcism.

⁵⁸ Literally, a “Revenant,” one who “gangs again.”

the same code as a living intruder. The Doomsman holds the Court in the ordinary form, and when the judgment is pronounced, the corpse, filled with demoniac life, rises from the seat and yields to the sentence of the tribunal⁵⁹. But this opinion was not peculiar to Iceland; and in all those countries where similar strange and unaccountable scenes made the night hideous, a similar course was pursued. The Vampire, or the "Broukolaka," was not to be quieted by exorcisms. He feared not holy water; he fled not before the hallowed relics; he defied bell, book, and candle;—but it was necessary to exhumate and consume the dead offender; and this proceeding took place in consequence of a formal decree of the Magistrate, made upon legal evidence of the Vampire's crimes⁶⁰. And in order to escape the preternatural summons thundered forth at Dunedin's Cross, when

——— each chief of birth and fame,
Of lowland, highland, border, isle,
Foredoomed to Flodden's carnage pile,
Was cited there by name;

an appeal was lodged against the judgment⁶¹ in the manner which would have been recognized by the College of Justice. Even in bargains with the Tempter, we always find a valid, if not a good consideration, and a bond, signed and sealed in due form of law.

⁵⁹ Eyrbyggja Saga, p. 280. The Saga particularly notices that all the ordinary legal forms were used.

⁶⁰ Le seul remède contre ces apparitions, est de couper la tête et de brûler le corps de ceux qui reviennent. Toutesfois, *on ne procède pas sans forme de justice*; on cite et on entend les témoins: on examine les raisons; on considère les corps exhumés pour voir si l'on y trouve les marques ordinaires qui font conjecturer que ce sont ceux qui molestent les vivans, comme la mobilité, la souplesse dans les membres, la fluidité dans le sang, l'incorruption dans les chairs. Si ces marques se rencontrent on les livre au bourreau qui les brûle.—Calmet, *Sur les Vampires*, vol. ii. p. 36.

⁶¹ See Pitscottie, as quoted in the Notes to Marmion, p. 97.

GERMANIC TRIBUNALS, SUPPOSED TO BE CONNECTED WITH THE
PAGAN POLICY—THE FREE FIELD COURT OF CORBEY—THE
VEHMIC, OR SECRET, TRIBUNALS OF WESTPHALIA.

In Germany, there existed a singular jurisdiction, which claimed a direct descent from the Pagan policy and mystic ritual of the earliest Teutons.

The "Frey Feld gericht," or Free Field Court of the Abbey of Corbey, anciently under the supremacy of the Priests of the Irminsule (p. cxl.)

Composed of sixteen members—the Graff or Gerefa, the senior member; the "Frohner," or summoner, the junior member, and fourteen "Schöppfen" "Recht-sprecher," or Echevins—Declarers of judgment....

... chosen from amongst the twenty-two septs or families who inhabited the "Gau."—(p. 98.)

The "King's seat," or place of judgment, how consecrated.

We learn from the Historians of Saxony, that the "Frey Feld gericht" of Corbey was, in Pagan times, under the supremacy of the Priests of the Eresburgh, the Temple which contained the Irminsule, or pillar of Irmin, to which I have already alluded⁶². After the conversion of the people, the possessions of the temple were conferred by Louis the Pious upon the Abbey which arose upon its site. The court was composed of sixteen persons, who held their offices for life. The senior member presided as the Gerefa or Graff; the junior performed the humbler duties of "Frohner," or summoner; the remaining fourteen acted as the Echevins, and by them all judgments were pronounced or declared. When any one of these died, a new member was elected by the Priests, from amongst the twenty-two septs or families inhabiting the Gau or district, and who included all the hereditary occupants of the soil. Afterwards, the selection was made by the Monks, but always with the assent of the Graff and of the "Frohner."

The seat of judgment, the King's seat, or "Königs stuhl," was always established on the green sward; and we collect from the context, that the tribunal was also raised or appointed in the common fields of the Gau, for the purpose of deciding disputes relating to the land within its precinct. Such a "King's seat" was a plot sixteen feet in length, and sixteen feet in breadth; and when the ground was first conse-

⁶² Meibomius de Irminsula Saxonica, cap. iv.

crated, the Frohner dug a grave in the centre, in which each of the Free Echevins threw a handful of ashes, a coal, and a tile. If any doubt arose whether a place of judgment had been duly hallowed, the Judges sought for the tokens. If they were not found, then all the judgments which had been given became null and void. It was also of the very essence of the Court, that it should be held beneath the sky, and by the light of the sun. All the ancient Teutonic judicial assemblies were held in the open air; but some relic of solar worship may perhaps be traced in the usage and in the language of this tribunal. The forms adopted in the Free Field Court also betray a singular affinity to the doctrines of the British Bards respecting their Gorseddau, or Conventions, which were "always held in the open air, in the eye of the light, and in face of the sun"⁶².

If any judgment was given on a spot not duly consecrated, it was void and of no effect.

(See p. 138.)

Vestiges of solar worship—similarity to the Bardic institutions.

When a criminal was to be judged, or a cause to be decided, the Graff and the Free Echevins assembled around the "Königstuhl;" and the "Frohner," having proclaimed silence, opened the proceedings by reciting the following rhymes:

Form of opening the Court, by a metrical dialogue between the Frohner and the Graff.

Sir Graff, with permission,
I beg you to say,
According to law, and without delay,
If I, your Knave,
Who judgment crave,
With your good grace,
Upon the King's seat, this seat may place.

To this address the Graff replied:

While the sun shines with even light
Upon Masters and Knaves, I shall declare
The law of might, according to right.
Place the King's seat true and square,

⁶² Owen Pugh's *Elegies of Lewarch Hen*, Pref., p. 46. The place of these meetings was set apart by forming a circle of stones round the *Maen Gorsedd*, or Stone of the Gorsedd.

Let even measure, for justice sake,
Be given in sight of God and man,
That the plaintiff his complaint may make,
And the defendant answer,—if he can.

In conformity to this permission, the “Frohner” placed the seat of judgment in the middle of the plot, and then he spake for the second time :

Sir Graff, Master brave,
I remind you of your honour, here,
And moreover that I am your Knave ;
Tell me, therefore, for law sincere,
If these mete-wands are even and sure,
Fit for the rich and fit for the poor,
Both to measure land and condition ;
Tell me as you would eschew perdition.

And so speaking, he laid the mete-wand on the ground. The Graff then began to try the measure, by placing his right foot against the wand, and he was followed by the other Free Echevins in rank and order, according to seniority. The length of the mete-wand being thus proved, the Frohner spake for the third time :

Sir Graff, I ask by permission,
If I, with your mete-wand may mete
Openly, and without displeasure,
Here the king's free judgment seat.

And the Graff replied :

I permit right,
And I forbid wrong,
Under the pains and penalties
That to the old known laws belong.

Now was the time of measuring the mystic plot ; it was measured by the mete-wand along and athwart, and when the dimensions were found to be true, the Graff placed himself in the seat of judgment, and gave the charge to the assembled Free

Echevins, warning them to pronounce judgment, according to right and justice.

On this day, with common consent,
And under the clear firmament,
A free field court is established here,
In the open eye of day;
Enter soberly, ye who may.
The seat in its place is pight,
The mete-wand is found to be right;
Declare your judgments without delay;
And let the doom be truly given,
Whilst yet the Sun shines bright in heaven⁶³.

Judgment was given by the Free Echevins according to plurality of voices. The jurisdiction of the Court extended to all

Jurisdiction of the Free Court, extending to all crimes committed in the open air, but to none others.

⁶³ I owe this translation to the kindness of a friend. I add the metrical form in the original Nether-Saxon dialect. Sir Walter Scott, as my readers will already have perceived, has made good use of this judicial dialogue in *Ann of Geierstein*, though, by a very excusable poetic licence, he has transferred the rhymes from the free Field court of Corbey, to the Free Vehmic tribunal,—of which, more anon:—

I.
Herr Greve
Met Orlove
Unde met behage
Eck yock frage
Segget my vor Recht,
Eff eck yuwe Knecht,
Düssen Stoel sette möge
Up den König Stoel mit Orlove.

II.
All dewile die Sunne met rechte
Beschynet Herrn und Knechte
Unde alle use Werke,
So sprecke eck dat Recht so stercke;
Den Stoel tho setten even
Unde Rechte mate tho geven,
Den Kleger Recht tho hören
Dem beklageden tho antworten.

III.
Herr Greve, leve Herre
Eck vermahne yock yuwer Ehre,
Eck sy yuwer Knecht.
Darum segget my vor Recht.
Eff düsse mathe sy gelicke
Dem armen also dem ricken.

Tho meten Lande and Stande
By yuwer Seelen pand.

IV.
Herr Greve,
Eck frage met Orlove,
Eff eck moge meten,
Met yuwe mede Weten,
Openbar und unverholen
Düssen freyen König Stoel.

V.
Eck erloewe Recht
Unde vorbede unrecht
Bey peinn der olden erkannten Recht.

VI.
All dewile an düssen Dage
Met yuwer allem behage,
Under dem hellem Himel klar,
Ein frey feld gericht openbar:
Geheget beym lechten Sunnenschein
Met nochterm Mund kommen herin,
De Stoel ock is gesettet recht
Det maht befunden upgerecht
So sprecket Recht ane with und wonne,
Up Klage unde Antwort, weil schient die Sunne.

crimes committed in the open air—thefts of cattle, or agricultural implements, trespasses—and even murder. But unless the eye of light saw the deed, the Free Court, assembled beneath the sky, could not judge the offender. Though the Echevins might pronounce sentence of death, they could not carry the sentence into execution, the criminal being transferred for that purpose to the feudal superior. This restriction, however, was probably of more recent introduction. The Free Judges also appear to have possessed originally a territorial jurisdiction. A free tenant could not sell his land to a villain, but only to another free tenant. A surrender of the tenement was made in court; and as soon as the free tenant was divested of his land, he became “dienstbar,” a vassal or villain. If this fact be correctly stated by Justus Georgius Schottelius, it is a very singular proof of the extent to which the principle of territorial qualification was carried amongst the Saxon tribes.

It possessed also a territorial jurisdiction.

Courts of a similar nature in other adjoining districts.

Similar tribunals existed in many other parts of Saxony, not retaining so many mystical ceremonies, yet still betraying their common origin. These courts were “fenced” by a dialogue between the Judge and the Prosecutor, no longer in verse, yet in which we discover the phrases of the metrical form—the solemn appeals to the eye of day, the bidding of right, the forbidding of wrong. The Echevins were composed of the villainage, somewhat obscured in their functions by the learning of the grave Civilian who was associated to them, and somewhat limited by the encroachments of modern feudality; but they were still substantially the judges of the court. The “wroge,” presentments, or accusations, were brought before them; and the “honourable Scabini” gave their decision. Usage had limited this jurisdiction to petty trespasses and offences, whether against the peace or against good morals. These were punished by pecuniary fines. If greater crimes were brought before them, they declared the culprit to be in

the mercy of the feudal Lord, and the Judge appointed by him took cognizance of the case accordingly ⁶⁴.

Of more reputation than the preceding, were the celebrated Vehmie tribunals of Westphalia, so well known from Romance; but the protocols of their proceedings do not altogether realize the popular idea of their terrors and tyranny. Their victims were not buried in subterraneous dungeons, or stretched upon the rack. The Court was held with known and notorious publicity beneath the "eye of light;" and the sentences, though speedy and severe, were founded upon a regular system of established jurisprudence, not so strange, even to England, as it may at first sight appear.

The "Vehm Gerichte," or Vehmie Tribunals of Westphalia.

Erroneous ideas respecting these courts.

Westphalia, according to its ancient constitution, was divided into districts called "Freygraffschafften," each of which usually contained one, and sometimes many, Vehmie tribunals, whose boundaries were accurately defined. The right of the "Stuhl-herr," or Lord, was of a feudal nature, and could be transferred by the ordinary modes of alienation; and if the Lord did not choose to act in his own person, he nominated a "Freigraff" to execute the office in his stead.

Westphalia, divided into "Freygraffschafften" or Free Graviates or Counties, each containing one or more Vehmie tribunals.

The Court itself was composed of "Freyschöppfen," Scabini, or Echevins, nominated by the Graff, and who were divided into two classes: the ordinary, and the "Wissenden" or "Witan," who were admitted under a strict and singular bond of secrecy.

Court composed of "Freyschöppfen," or Free Echevins, divided into two classes: the ordinary, and the Wissenden or Witan—(see p. 143.)

The initiation of these, the participators in all the mysteries of the tribunal, could only take place upon the "red earth" ⁶⁵,

Initiation of the "Wissenden" could only take place upon the "red earth."

⁶⁴ I have extracted this account of the tribunals of Corbey from the treatise "de singularibus quibusdam in Germania juribus," &c., by Justus Georgius Schottelius—Frankfort, 1671. He speaks of the ordinary tribunals as then existing, and of the Freygericht of Corbey, as having been held within the memory of the authorities whom he quotes.

⁶⁵ Was this the colour of the Saxon banner?

Rhythmical oath, taken by the candidate, binding him to secrecy, and to make denunciation or presentment of offenders.

or within the limits of the ancient Duchy of Westphalia. Bareheaded and ungirt, the candidate is conducted before the dread tribunal. He is interrogated as to his qualifications, or rather as to the absence of any disqualification. He must be free born, a Teuton, and clear of any accusation cognizable by the tribunal of which he is to become a member.—If the answers are satisfactory, he then takes the oath, swearing by the Holy Law⁶⁶, that he will conceal the secrets of the Holy Vehme from wife and child—from father and mother—from sister and brother—from fire and water—from every creature upon which the sun shines, or upon which the rain falls—from every being between earth and heaven.

Punishment inflicted upon a "Nothschöppff," or one who had disclosed the secrets of the tribunal.

Another clause relates to his active duties. He further swears, that he will "say forth" to the tribunal all crimes or offences which fall beneath the secret ban of the Emperor, which he knows to be true, or which he has heard from trustworthy report; and that he will not forbear to do so, for love nor for loathing, for gold nor for silver nor precious stones.—This oath being imposed upon him, the new Freischopff was then entrusted with the secrets of the Vehmic tribunal. He received the pass-word, by which he was to know his fellows, and the grip or sign by which they recognized each other in silence; and he was warned of the terrible punishment awaiting the perjured brother.—If he discloses the secrets of the Court, he is to expect that he will be suddenly seized by the ministers of vengeance. His eyes are bound, he is cast down on the soil, his tongue is torn out through the back of his neck—and he is then to be hanged seven times higher than any other criminal. And whether restrained by the fear of punishment,

⁶⁶ Ich gelobe bey der heiligen *Ehe*. The employment of *Ehe* for law, is a pure Anglo-Saxonism—*Ae*, or *Æpa*. In a secondary sense it signifies marriage; and perhaps any lawful obligation.

or by the stronger ties of mystery, no instance was ever known of any violation of the secrets of the tribunal.

Thus connected by an invisible bond, the members of the "Holy Vehme" became extremely numerous. In the fourteenth century, the league contained upwards of one hundred thousand members. Persons of every rank sought to be associated to this powerful community, and to participate in the immunities which the brethren possessed. Princes were eager to allow their ministers to become the members of this mysterious and holy alliance; and the cities of the Empire were equally anxious to enrol their magistrates in the Vehmic union.

Vast number of the initiated.

The supreme government of the Vehmic tribunals was vested in the great or general Chapter, composed of the Freegraves and all the other initiated members, high and low. Over this assembly the Emperor might preside in person, but more usually by his deputy, the Stadtholder of the ancient Duchy of Westphalia; an office, which, after the fall of Henry the Lion, Duke of Brunswick, was annexed to the Archbishopric of Cologne.

General Chapter, or Parliament of the Vehmic Tribunals, possessing both a judicial and legislative authority.

Before the general Chapter, all the members were liable to account for their acts. And it appears that the "Freegraves" reported the proceedings which had taken place within their jurisdictions in the course of the year. Unworthy members were expelled, or sustained a severer punishment. Statutes, or "Reformations," as they were called, were here enacted for the regulation of the Courts, and the amendment of any abuses; and new and unforeseen cases, for which the existing laws did not provide a remedy, received their determination in the Vehmic Parliament.

As the Echevins were of two classes, uninitiated and initiated, so the Vehmic Courts had also a twofold character; the "Offenbare Ding" was an Open Court or Folkmoot; but the "Heimliche Acht" was the far-famed Secret Tribunal.

Vehmic Courts of two descriptions—the "Offenbare Ding," or open Folkmoot (see p. 139), and the "Heimliche Acht," or secret Tribunal.

Proceedings in the open Court, to which all the residents within its jurisdiction owed suit and service.

Extent of the jurisdiction assumed by the Vehmic Tribunals.

Circuits of the Echevins; offenders apprehended in open delict, "hondhabbend," &c. (p. 210) immediately executed.

The first was held three times in each year. According to the ancient Teutonic usage, it usually assembled on Tuesday, anciently called "Dingstag," or court-day, as well as "Diensttag," or serving-day, the first open or working day after the two great weekly festivals of Sun-day and Moon-day. Here all the householders of the district, whether free or bond, attended as suitors. The "Offenbare Ding" exercised a civil jurisdiction; and in this Folkmoot appeared any complainant or appellant who sought to obtain the aid of the Vehmic tribunal, in those cases when it did not possess that summary jurisdiction from which it has obtained such fearful celebrity. Here also the suitors of the district made presentments or "wroge," as they are termed, of any offences committed within their knowledge, and which were to be punished by the Graff and Echevins.

The criminal jurisdiction of the Vehmic Tribunal took the widest range. The "Vehme" could punish mere slander and contumely. Any violation of the Ten Commandments was to be restrained by the Echevins. Secret crimes, not to be proved by the ordinary testimony of witnesses, such as magic, witchcraft, and poison, were particularly to be restrained by the Vehmic Judges; and they sometimes designated their jurisdiction as comprehending every offence against the honour of man or the precepts of religion. Such a definition, if definition it can be called, evidently allowed them to bring every action of which an individual might complain, within the scope of their tribunals. The forcible usurpation of land became an offence against the "Vehme." And if the property of an humble individual was occupied by the proud Burghers of the Hanse, the power of the Defendants might afford a reasonable excuse for the interference of the Vehmic power.

The Echevins, as Conservators of the Ban of the Empire, were bound to make constant circuits within their districts, by night and by day. If they could apprehend a thief, a murderer,

or the perpetrator of any other heinous crime in possession of the "mainour," or in the very act; or if his own mouth confessed the deed, they hung him upon the next tree. But to render this execution legal, the following requisites were necessary:—fresh suit, or the apprehension and execution of the offender before daybreak or nightfall;—the visible evidence of the crime;—and lastly, that three Echevins, at least, should seize the offender, testify against him, and judge of the recent deed.

If, without any certain accuser, and without the indication of crime, an individual was strongly and vehemently suspected; or when the nature of the offence was such as that its proof could only rest upon opinion and presumption, the offender then became subject to what the German jurists term the inquisitorial proceeding; it became the duty of the Echevin to denounce the "Leumund," or manifest evil fame, to the secret tribunal. If the Echevins and the Freygraff were satisfied with the presentment, either from their own knowledge or from the information of their compeer, the offender was said to be "verfämbt;"—his life was forfeited; and wherever he was found by the brethren of the tribunal, they executed him without the slightest delay or mercy. An offender who had escaped from the Echevins was liable to the same punishment; and such also was the doom of the party, who, after having been summoned pursuant to an appeal preferred in open court, made default in appearing. But one of the "Wissenden" was in no respect liable to the summary process, or to the inquisitorial proceeding, unless he had revealed the secrets of the Court. He was presumed to be a true man; and if accused upon vehement suspicion or "Leumund," the same presump-

"Inquisitorial proceedings" upon "Leumund" or open fame, corresponding to the "malecredence" of the old English law (p. 214).

If confirmed by the Secret Tribunal, the "Acht" or bann was denounced against the culprit, and he was executed as soon as he could be apprehended.

One of the "Wissenden" being presumed to be a true man, was always allowed to clear himself by his compurgatory oath.

⁶⁷ Denunciation upon Leumund, is exactly the "malecredence" of Anglo-Norman law. The word signifies common and notorious, or evil fame or repute. Wachter derives it from Leoma or Lioma (A.S.), light or brightness; hence applied to matters openly and notoriously known.

Accusatorial or ordinary process, by examination of witnesses.

The "Wissenden" liable only to the accusatorial process.

"Heimliche Acht," or secret tribunal or court, derived its name from the precautions taken for the purpose of preventing its proceedings from being divulged,—not from any secrecy in the time or manner of the meeting.

tion or evil repute, which was fatal to the uninitiated, might be entirely rebutted by the compurgatory oath of the free Echevin. If a party, accused by appeal, did not shun investigation, he appeared in the open court, and defended himself according to the ordinary rules of law. If he absconded, or if the evidence or presumptions were against him, the accusation then came before the Judges of the Secret Court, who pronounced the doom. The accusatorial process, as it was termed, was also, in many cases, brought in the first instance before the "Heimliche Acht." Proceeding upon the examination of witnesses, it possessed no peculiar character, and its forms were those of the ordinary courts of justice. It was only in this manner that one of the "Wissenden" or Witan could be tried; and the privilege of being exempted from the summary process or from the effects of the "Leumund," appears to have been one of the reasons which induced so many of those who did not tread the "red earth" to seek to be included in the Vehmic bond.

There was no mystery in the assembly of the Heimliche Acht. Under the oak or under the lime-tree, the Judges assembled; in broad day-light and before the eye of heaven; but the tribunal derived its name from the precautions which were taken, for the purpose of preventing any disclosure of its proceedings which might enable the offender to escape the vengeance of the Vehme. Hence, the fearful oath of secrecy which bound the Echevins. And if any stranger was found present in the Court, the unlucky intruder instantly forfeited his life as a punishment for his temerity. If the presentment or denunciation did chance to become known to the offender, the law allowed him a right of appeal. But the permission was of very little utility, it was a profitless boon, for the Vehmic Judges always laboured to conceal the judgment from the hapless criminal, who seldom was aware of his sentence until his neck was encircled by the halter.

Charlemagne, according to the traditions of Westphalia, was the founder of the Vehmic tribunal; and it was supposed that he instituted the Court for the purpose of coercing the Saxons, ever ready to relapse into the idolatry from which they had been reclaimed, not by persuasion, but by the sword. This opinion, however, is not confirmed either by documentary evidence or by contemporary historians. And if we examine the proceedings of the Vehmic tribunal, we shall see that, in principle, it differs in no essential character from the summary jurisdiction exercised in the townships and hundreds of Anglo-Saxon England. Amongst us, the thief or the robber was equally liable to summary punishment, if apprehended by the men of the Township; and the same rules disqualified them from proceeding to summary execution. An English outlaw was exactly in the situation of him, who had escaped from the hands of the Echevins, or who had failed to appear before the Vehmic court: he was condemned unheard, nor was he confronted with his accusers. The inquisitorial proceedings, as they are termed by the German Jurists, are identical with our ancient presentments. Presumptions are substituted for proofs, and general opinion holds the place of a responsible accuser. He who was untrue to all the people, in the Saxon age, or liable to the malecredence of the inquest at a subsequent period, was scarcely more fortunate than he who was branded as "Leumund" by the Vehmic law.

Vehmic tribunals—their origin attributed to Charlemagne; but to be considered more properly as the ancient denunciatory courts of the "Old Saxons," which had survived the conquest of the nation.

Comparison between the Vehmic courts and the English territorial jurisdictions of the Hundred, &c. (pp. 100—213.)

In cases of open delict and of outlawry, there was substantially no difference whatever between the English and the Vehmic proceedings. But in the inquisitorial process, the delinquent was allowed, according to our older code, to run the risk of the ordeal. He was accused by or before the Hundred, or the Thanes of the Wapentake; and his own oath cleared him, if a true man; but he "bore the iron" if unable to avail himself of the credit derived from a good and fair repu-

Vehmic Tribunal—its origin attributed to Charlemagne; but to be considered more properly as the ancient denunciatory courts of the "Old Saxons," which had survived the conquest of the nation.

Probability, that in earlier periods persons accused upon "Leumund" before the Vehmic Courts could clear themselves by ordeal.

tation. The same course may have been originally adopted in Westphalia; for the "Wissend," when accused, could exculpate himself by his compurgatory oath, being presumed to be of good fame; and it is therefore probable that an uninitiated offender, standing a stage lower in character and credibility, was allowed the last resort of the ordeal. But when the judgment of God was abolished by the decrees of the Church, it did not occur to the Vehmic Judges to put the offender upon his second trial by the visne, which now forms the distinguishing characteristic of the English law, and he was at once considered as condemned. The Heimliche Acht is a presentment not traversable by the offender.

The Vehmic Tribunals can only be considered as the original jurisdictions of the "Old Saxons," which survived the subjugation of their country. The singular and mystic forms of initiation, the system of enigmatical phrases, the use of the signs and symbols of recognition, may probably be ascribed to the period when the whole system was united to the worship of the Deities of vengeance, and when the sentence was promulgated by the Doomsmen, assembled, like the Asi of old, before the altars of Thor or Woden. Of this connexion with ancient pagan policy, so clearly to be traced in the Icelandic Courts, the English territorial jurisdictions offer some very faint vestiges⁶⁸; but the mystery had long been dispersed, and the whole system passed into the ordinary machinery of the law.

Vehmic Tribunals—not without their use in Germany.

As to the Vehmic Tribunals, it is acknowledged, that in a truly barbarous age and country, their proceedings, however violent, were not without utility. Their severe and secret vengeance often deterred the rapacity of the noble robber, and protected the humble suppliant; the extent, and even the

⁶⁸ The strange ceremony of the "Gathering of the Ward Staff" in Ongar Hundred (see p. clx.), for instance, possesses a similarity to the style of the Free Field Court of Corbey.

abuse, of their authority was in some measure justified in an Empire divided into numerous independent jurisdictions, and not subjected to any paramount tribunal, able to administer impartial justice to the oppressed. But as the times improved, the Vehmic tribunals degenerated. The Echevins, chosen from the inferior ranks, did not possess any personal consideration. Opposed by the opulent cities of the Hanse, and objects of the suspicion and the enmity of the powerful aristocracy, the tribunals of some districts were abolished by law, and others took the form of ordinary territorial jurisdictions; the greater number fell into desuetude. Yet, as late as the middle of the eighteenth century, a few Vehmic tribunals existed in name, though, as it may be easily supposed, without possessing any remnant of their pristine power⁶⁹.

⁶⁹ The principal authorities which I have consulted are, Schottelius; Freherus de Secretis Judiciis, Ratisbon, 1762; Kopp, über die Verfassung der Heimlichen Gerichte—Gottingen, 1794; Beck, Geschichte der Westphälischen Fehm Gerichte—Bremen, 1814; and the Corpus Juris Germanici—Frankfort, 1766. The latter contains some very curious original documents, and in particular the “Codex Legum et Consuetudinum Judicii Westphalici summæ sedis Tremonensis.” The covers of the original manuscript of this code were fastened by a padlock; and the reader, if he found its pages open, was to be deterred by the inscription, warning him, at his peril, to refrain from indulging his curiosity. None but a Free Echevin was to venture to peruse the Custumal of the dread Tribunal. The manuscript begins with a short nomenclature:—

- I. *Freygraff*.—Judex est et locumtenens Regis quoad jurisdictionem.
- II. *Freyscheff*.—Assessor est Comitis privilegiati archanorum judiciorum; atque illos archani conscios vocant, *Wissendt*.
- III. *Notschöff*.—Qui privilegia et archana Scabinorum archanorum false ac dolose suscepit, et perjurio commisso, eos decepit.
- IV. *Unwissendt*.—Omnes vocant qui non sunt Scabini privilegiati atque ejus symboli nescii.
- V. *Stulherr*.—Est ejus territorii dominus, in quo habetur sedes judiciaria.

PLACES AND MODE OF ASSEMBLING THE FOLKMOOT OF THE HUNDRED.—THE "WARD-STAFF" OF ONGAR.

Examples of the assemblages of the ancient popular courts in the open air, in the neighbourhood of springs, under trees, upon moot-hills (see p. 140.)

Few similar meetings *sub dio* on the Continent, except in Scandinavia (which, not being subject to Charlemagne, was not affected by his capitular, p. 138, directing such meetings to be held under cover); and in Westphalia, where the ancient jurisdictions subsisted as before mentioned, and in Friesland.

IN England, the ancient mode of assembling the suitors of the Hundred "beneath the sky," continued to be retained with very remarkable steadiness. Within memory, at least within the memory of those who flourished when English topography began to be studied, the primeval custom still flourished throughout the realm. Halikeld Wapentake derives its name from the consecrated spring, whose worship was forbidden by Cnute. Modbury, the Mootbergh, vies with the Tinwald of Man; and similar examples of Hundred and Manor Courts, held upon Moot hills, or beneath ancient trees, may be found in every Shire⁷⁰. It is remarkable that, on the Continent, there appear to be very few subsisting traces of popular Courts held in the open air, except in Scandinavia and its dependencies, where the authority of Charlemagne did not extend; in Westphalia, where the Vehmic tribunals retained, as I have supposed, their pristine Saxon law; and in "Free Friesland," the last stronghold of Teutonic liberty.

The "Tale of the Ward Staff," to which we must now proceed, appears as a strange and uncouth fragment of the earliest customs of the Teutons. Corrupted by the errors of the transcriber, the "Tale" was without doubt, also modernized in the mouths of the Churls who repeated it; and yet we can still recognize the tone and the phraseology of the Courts of the Eresburgh. The "Irminsule" itself has been described as a trunk of a tree. Thor was worshipped under the same rude

⁷⁰ Halikeld is in Yorkshire; Modbury (*i. e.* Mot-beorh) is in Dorset; the following examples may be added:—Barkestone (York) under an ash-tree, called Barkestone Ash; Fawsley (Northampton) under an enormous beech, called Mangrave, measuring nineteen feet in circumference above the spurs; Sheffield (Surrey) under an oak; Bucklow (Cheshire) on Bucklow Hill; Clarho (York) on a small hillock, perhaps a natural elevation, near Acton Mauleverer.

symbol; and it may be suspected, that the singular respect and reverence shewn to the Ward Staff of the East Saxons, is not without its relation to the rites and ceremonies of the heathen time, though innocently and unconsciously retained.

TALE OF THE WARD STAFF*.

Aungar Hundr.—The order of the gathering and yearly making of the Wardstaff of the King there, with the due course and circumstance of the yearly watch, ward, and service royall incident to the same. That is to say,

First, the Bailiffe of the said Libertie, or Hundred shall gather and yearly make the Wardstaffe, of some willow bough, growing in Abbasse Rothering Wood, the †Sunday next before Hock-Munday, which shall contain in length iii quarters of a yard, and viii inches round in compasse, or thereabout. And hee shall convey the same ymediately unto the Mannor Place of Ruckwood-Hall, in Abbasse Rothering afores'd, where the Lord of the said Manor for the tyme being shall *reverently the same receive into his house, and shall rowle itt upp in a faire fine linnen cloth, or towell*, and so lay it upon some pillow or cushion on a table or cubberd standing in the *chiefe or highest place in the hall* of the said Maner Place, there to remaine until the said Bailiffe shall have refreshed himself. And when the said Bailiffe shall seeconvenient tyme to departe, he shall convey the same staffe by *sunne shineing* unto Wardhatch-lane besides Long Barnes, in Rothering aforesaid; when and where the said Lord of Ruckwood-Hall, and all and everie other tennant and tennants, land-owners, which by reason of their tenure doe hould their lands likewise by service royall, to watch and warde the said staffe there, upon convenient summons and warning to be given unto them yearly by the said Lord of Ruckwood Hall for the time being, with their full ordinarie number of able men well harnished with sufficient weapon shall attend. Whereuppon the Lord of Ruckwood Hall shall then and there yearly at his proper costs and charges, have readie prepared a great rope called a barr, with a bell hanging on the end of the same, which he shall cause to be extended overthwart the said lane, as the custom hath beene, to stay and arrest such people as would pass by. Att the end of which said barr, not far from the said bell, shall be *laid down reverently* the said staffe upon a pillowe or cushion, on the ground; which done, forthwith the said Bailiffe shall severally call the

* Morant (Hist. Essex, vol. I. p. 126), says, "The MS. whence this was taken, is an account of the rents of the Hundred in the time of John Stoner (of Loughton) who had a grant of it for his life in the 34th of Hen. VIII., which are said to be such as have been executed, done, paid, used, observed, and kept, not only in the time of Ed. III. and Rob. Bruce, sometime King of Scots, but also in the time of his noble progenitors, Kings of England, long before, when the Saxons inhabited this realme, as manifestly may appeare more at large by ancient records thereof made, by Humphry de Bohun then Earl of Hereford and Essex and Constable of England, Lord of the said Hundred, dated at Pleashy the 10th of July, in the 11th of the said King Edward, as also by divers others ancient and sundrie notable Records, the same remaining written in the Saxon tongue."

† A Fortnight after Easter.

names of all the aforesaid tenants, land-owners, who shall present their said ordinarie number of men accordingly. Then shall the said Bailiffe in the King our Sovereigne Lord's name, straightlie charge and comand them and everie of them to watch and keep the ward in due silence, soe that the King be harmless and the countree scatheless, untill the sunne arrising, when good houre shall be for the said Lord of Ruckwood-Hall to repair unto the said Staffe, who in the presence of the whole watch shall take the same staffe into his hand, and shall make uppon the upper rind of the same with a knife, a score or notch, as a marke or token, declaring their loyall service done for that year in this behalfe; and soe shall deliver the said Staffe unto the Bailiffe, sending it unto the Lord or land-owner of the Mannor of Fiffield, or unto the Tennant resiant, saying this notable narracion of the Wardstaffe hereafter written, in the Saxon tongue; which done, they may hale up the said barr, and depart at their pleasure.

THE TALE OF THE WARDSTAFFE.

Iche athied the Staffe byleue
 Thanne Staffe Iche toke byleue,
 Byleue Iche will tellen
 How the Staffe have I got :
 Yotlie Staffe to me com,
 As he hoveon for to don,
 Faire and well Iche him underfing
 As Iche hoveon for to don.
 All, iche theron challenged
 That theron was for to challenge,
 Nameliche, this, and this,
 And all that ther was for to challenge.

Fayer iche him upp dede,
 As iche houton for to don,
 All iche warnyd to the ward to cum,
 That thereto houton for to cum
 By *sunne shining*.

We our roope yonder brouton,
 A roope celtan, as we houton for to don,
 And there waren and wakeden,
 And the ward soe kept
 That the King was harmeles
 And the Country scatheless.

And a morn when itt day was,
 And the sun arisen was,
 Faier honour waren to us toke,
 Als us houton for to don.

Fayre on the Staffe wee scorden
 As we houton for to don.

Fayre we him senden,
Hether we houuen for to sende.

And zif ther is any man,
That this, withsiggen * can ;
Iche am here ready for to don
Ayens himself iche one.
Other mid him, on,
Other mid myn feren
Als we ther waren.

Sir, by leave, take this Staffe,
This is the Tale of the Wardstaffe.†

The *Munday* following, called *Hock-Munday*, the said Staffe shall be presented yearly unto the Lord and owner of the manor of *Fiffild* for the time being, or his resient, who shall ymediately unfold the clothes it is wrapped in, that it may appear by the score made thereon, how the aforesaid Lord of *Ruckwood Hall* and other tenants, which by reason of their tenures of their lands, owe suit and service to watch the said Staffe at *Abbass-Rothing* aforesaid, have done their watch and service-royall accordingly the night before. Then shall he clothe it again, lay it in order, and use it in every degree as the Lord of *Ruckwood Hall* hath done, &c.

This is called *Abbass Rothing Watch*.

Tuesday following, it is carried to the Lord of the Mannor of *Nash Hall* in *High Ongar*, who, &c. as before. This is called *Stondon Watch*.

N.B. The watch is kept at *Horrellsford*, alias *Hallsford*.

Navestock Watch.

Wednesday following the same is yearly presented to the Lord of the Mannor of *Loft Hall* in *Navestock*, &c. The watch is kept in *Three Wants Lane*.

Stapleford-Abbots Watch.

Thursday following, the said Staffe shalle be yearly presented to the Lord of *Battels Hall*, &c. The Watch is kept at *Pissingford Bridge*.

Lamborne.

Friday following, the said Staff shall be yearly presented to the Lord of the Manor of *Lamborne Hall*, &c. The watch is kept at a cross in the middle of the town of *Abridge*.

Chigwell.

The *Sunday* following, the Staff shall be presented to the land-owners of *Lough-borrow*, &c. The watch kept at the cross against the church.

Theydon Gernon.

The *Monday* following, the Staff shall be presented to the Lord of the Manor of *Gaynes Park Hall*, &c. The watch kept at *Webbis-Cross* in *Theydon Gernon*.

* Wið jæggen to *Gainsay*.

† The corruptions that this "Tale" has sustained have been partly remedied by conjecture, in which I have enjoyed the able assistance of Mr. Price and Mr. Singer.

Morton.

The *Tuesday* following, the said Staffe shall be yearly presented to the Lord of the Manor of *Blake Hall*, &c. Watch kept in the midst of the town of *Morton*.

Maudlin-Laver.

The *Wednesday* following the Staffe shall be presented yearly unto the Lord of the Manor of *High Laver*, &c. Watch at Poole-lane end in *Maudlin-Laver*.

The ceremony of the watch in each parish I have omitted, being the same as in Abbasse-Rothing. I have also omitted the number of watchmen in each parish.

This Procession seems to have been a yearly muster of fencible men, who were appointed to guard the Hundred against murders and robberies, for both which it was liable to pay a fine. If, by preventing these, the King receives no harm, as in the loss of a subject, or the felonious breach of his peace, the subject escapes a fine, otherwise due for suffering a murderer or thief to escape.

The ceremony began at Abbasse-Rothing, as at the extremity of the Hundred, went on to Chigwell, the other extreme, and returned to High Laver, which was in the neighbourhood of Ruckwood Hall. At one of these two maner-houses we may suppose it deposited, with due regard to royal authority.

What we learn from Records concerning the design of this ceremony of the Wardstaff is, that it was to represent the King's person*, and to keep the King's peace. Some lands were held by the service of finding two men to watch with the Wardstaff, of keeping the Wardstaff; and of paying Ward-silver, and doing white-service at the Wardstaff†.

To conclude, this Wardstaff was to be carried through the towns and hundreds of Essex, as far as a place called Atte Wode near the sea, and be thrown there into the sea‡. This custom hath been long neglected. (Morant's Essex, vol. ii. p. 126.)

* Margaret Nyngge ten' 4 acr' pasture, 2 acr' prati, 3 acr' bosci in Bobingworth de Dño Rege, per servic' custodiendi Virgam Dñi Regis vocat' le Wardstaffe apud Bobbingworthie annuatim cum ibid' venerit; per quam quidem Virgam, Persona Dñi Regis representatur.—Inquis. 15 Hen. VIII. March 1st.

† Johñs Wright ten' Maner' de Kelvedon de Robtō Dñō Riche, ut de le Wardstaffe; et per servic' inveniendi duos homines ad vigiland' cum p'dcō Wardstaffe, pro omnibus serviciis, &c.—Inquis. 6 Jaco. July 16. Reginald Bysmere ten' Maner' de Daweshall in Lambourn, de Duce Buck' ut de Castro de Ongar, per fid' & reddit 2s. per ann. vocat' Ward silver, ac ad faciend' dcō Duci, Album servic' ad le Wardstaffe in Hundred' de Ongar.—Inquis. 22 Hen. VII. Cecilia Welis ten' Maner' de Maddels in Epping, &c. de eodem Duce per servic' custodiendi le Wardstaffe pro omni servic' custodiendi le Wardstaffe pro omni servic' &c.—Inquis. 23 Hen. VII.

‡ Isabella de Dover, pro dimid' Maner' de Chyngelford, debebat, per ballivum, ad le Hokeday ferre quoddam baculum vocat' Wardstaff, pro pace Regis servanda, qui baculus deferri debet per vill' et Hundr' Essex usque locum vocat' Attewode prope mare, et ibi projici in mare.—Rot. Assis. 56 Hen. III. rot. 4.

RECORD BY ORAL TESTIMONY.

As we certainly borrowed the term of "record" from the Norman practitioners, though the usage itself was not peculiar to the Duchy, I add the passages which I have quoted in the text. It will be seen that "record," was considered, in fact, a legal mode of bearing testimony,—a verbal certificate made by a certain number of persons, and in a definite form,—a declaration, to which judicial faith was given, and which could not be controverted.

Record, oral testimony so denominated according to the Norman law. (p. 145.)

"Record of Court," as practised in England, may also be properly understood, by viewing the "Recorders" as an authorized deputation from the inferior jurisdiction, to the superior tribunal, and attesting its proceedings. An instance of this may be subsequently found in the Assize of Henry II. (p. clxix.) The men of the Township, or Hundred, came from the Township, or the Hundred, to testify the judgment which had been passed before them. In the same manner did the men of the Shire appear before the Justices in Eyre; and the Justices in Eyre in their turn made their "record," or gave testimony in person, in and before the Curia Regis, of which they themselves were members.

Record, as described in the Assizes of Hen. II.

EXAMPLES OF ORAL RECORD ACCORDING TO THE ANCIENT NORMAN LAW.

De Recort de Court de Roy.

Recort de Court de Roy, est li recors des chosez qi sont faites pardevant le Roy. Toutes les chosez qi sont faites pardevant le Roy, pour tant qe il i ait ung autre avecques li, qi qe il soit, ont recort: et cest recort puet il faire soi et autre, et se il ne le velt faire, il puet estre fet par deux autres; et sa personne ne puet estre seonnée, ne a ce, ne a autre chose. Toutes les choses qi sont faites en droit pardevant lui, doivent maintenant avoir pardurable fermeté.

Record of the King's Court, i. e. the King's Testimony.

De Recort d'Eschequier.

Recort d'Eschequier doit estre fet au mains par sept personnes creablez, a qi l' om doit enjoindre qe il diront voir, par le serement qe ilz ont fet au Roy; et ilz le doivent otrorier. Et se ilz n' ont fet serement au Roy, il jureront qe ilz recorderont verité. Et se les personnez voelent seonner aucun des recordeorz, ilz doivent estre oi, et ce a

Record of the Exchequer.

lieu en tout recort de court, excepté la personne, et celle au baillif, fors en lor propres causes. Cest recort puet estre en des chosez qi sont feites ou dites ou otroiees en court.

De Recort d'assise.

Record of Assize.

Recort d'assise, est fet en ceste meisme manere, fors qe li recors de l'Eschequier doit estre fez en l'Eschequier, et cil de l'assise en l'assise.

Recort de Bataille.

Record of Battle.

Recort de bataille, doit estre fet par sept homes jurés, en qui court qe la bataille ait esté faite.

Recort de Veue.

Record of View.

Recort de veue, doit estre fet par quatre chevalers, et par les serjans et par huit loiax hommez, si qe chascun doit jurer, quant l'om plaide por la propriété de la chose. Mes se la veue fu de dessaisine, ou pour aucune tel chose, il poët estre fet par duze loiaus hommes qi jurent, et par le serjant.

The foregoing extracts are taken from a very valuable manuscript of the Grand Coustumier, or Custumal of Normandy, in the possession of the Earl of Gosford, and formerly belonging to Sir Oliver St. John. The Custumal itself, is the production of some private practitioner, but unquestionably containing the usages of the country, as they prevailed at the period of its separation from the English Crown.

EXAMPLES OF ORAL RECORD ACCORDING TO THE
ANCIENT ENGLISH LAW.

Two Knights bear record of the result of an Inquest taken in the County Court concerning an individual, who had been falsely alleged to have incurred Outlawry.

OXON. *Simon de la Cumbe, Gilbertus de la Hyde, Willielmus de Clinton, et Radulphus Waunzy* dicunt pro comitatu Oxoniæ quod *Adam de Bedingfield* nunquam in comitatu illo uthlagatus fuit; de quo præceptum fuit vicecomiti ut inde inquireret rei veritatem. Et dicunt quod nichil ibi fecit, unde utlagari debuit.—(Plac. apud Westm. 6 Ric. I.)

Justices in Eyre bear record in the King's Court at Westminster, of an Appeal brought in the County of Lincoln, by Hugo de Severby, who, as he alleges, was present when Alvedus de Glenthamslew his brother, Henricus de Severby. The Appellant being, as usual, a witness in his own cause (see p. 232.)

LINCOLN. *Galfridus filius Petri et Willielmus de Stuteville et eorum socii, justiciarii itinerantes in comitatu Lincolnæ*, recordant, quod *Hugo de Severbi* appellat *Alvredum de Glenthams* quod contra pacem domini Regis et inique, assultavit *Henricum* fratrem suum, et illum vulneravit, dexterâ manu suâ, unde obiit. Et hoc offert probare versus eum, per considerationem curiæ, et quod hoc vidit et audivit. Et *Jordanum* appellat de vi, qui uthlagatus est.

Alvredus totum defendit, sicut homo maimatus de morbo caduco, et sicut curia consideraverit, vel per *Robertum de Karleton* hominem suum et cognatum, vel per *Willielmum Braunche*, qui hoc offerunt defendere, per corpora sua.

Hugo autem dicit, quod ad factum, cepit ipsos *Alvredum* et *Jordanum* et ipsos liberavit ballivos *Gerardi de Camville*, tunc Vic. et petit ut inquiratur per sacramentum viginti et quatuor militum provincialium utrum *Alvredus* habet morbum caducum vel non. Et utrum *Robertus* et *Willielmus* parentes ejus sint, vel non.

Milites custodientes placita coronæ inde conventi dicunt, quod in comitatu primo appellavit *Jordanum*, qui nunc utlagatus est, de facto, et *Alvredum* de vi. (Plac. apud Westm. 6 Ric. I.)

OXON. *Ricardus filius Nigelli, Willielmus filius Nigelli, Willielmus de Bruges, Walterus de Gersinton, Henricus de Hauverd, Ricardus Talemache* et *Willielmus filius Eliæ*, missi per comitatum *Oxonie* ad faciendum recordum loquelæ quæ fuit in comitatu, inter *Ricardum Foliot* petentem et *Willielmum Salveyn* tenentem, de una hida terræ et dimidia in *Kadewell*, recordantur, quod *Ricardus* venit in comitatu, et tulit breve de recto versus eundem *Willielmum*, et probavit defaultam curiæ *Willielmi de Oyly*.—(Placita apud Westm. 5 Joh.)

Rex Vicecomiti *Eborum*, salutem. Præcipimus tibi quod assumptis tecum quatuor discretis et legalibus militibus de comitatu tuo accedas ad curiam, &c. Et in plena curia illa recordari facias loquelam, quæ est in eadem curia per breve nostrum de recto, &c. Et *recordum illum habeas* coram justiciariis nostris apud Westmonasterium tali die *sub sigillo* tuo et sigillis quatuor legalium hominum ejusdem curiæ, ex illis qui recordo illi interfuerint.

Rex, &c. Comiti *Cestrie* filio suo charissimo vel ejus justiciario, &c. salutem. Cum A. petit, &c., mandamus vobis, quod si ita sit, tunc in pleno comitatu vestro recordari facias loquelam prædictam. Et recordum et processum loquelæ prædictæ, cum omnibus ea tangentibus, justiciariis nostris apud Westmonasterium tali die *sub sigillo vestro et sigillis quatuor legalium militum* ejusdem comitatus, ex illis qui recordo illi interfuerint distincte et aperte mittatis.—(Reg. Brevium, pp. 5, 6.)

The Defendant pleads that he is disabled by epilepsy, but offers to defend himself by either of two Champions, who are his kinsmen, and also his men or vassals.

Plaintiff replies, that he took the Defendant (and another, who had escaped, and is outlawed), in the fact, and prays that it may be inquired by a Jury of twenty-four Knights, whether the Defendant be or be not afflicted with the epilepsy, and whether the Champions are or are not his kinsmen.

Knights keeping the Pleas of the Crown, i. e. the Coroners of the County (p. 297), testify that the Appeal had been duly brought in the County Court.

Knights deputed by the County Court to the King's Court at Westminster, who make record, or testify, concerning a Plea in the County Court: thereby giving the same information to the superior Court, *vivâ voce*, which was afterwards given in writing, by the return to writ of *recordari facias loquelam*.

Writs of *re. fa. lo.* as in use after the custom was introduced of sending a *written* statement or record of the transactions of the inferior Courts under the seals of the persons who "recorded" them, and which statement was now termed the "record," in the same manner as the verbal deposition had previously been (p. 147.)

ASSIZE OR STATUTE OF HENRY II. FOR THE CONSERVATION
OF THE PEACE.

Assize of Henry II.
(P. 259.)

Its singularity, as being
the earliest specimen of
Anglo-Norman legisla-
tion preserved in an au-
thentic form.

Frankpledge directed to
be renewed by this As-
size (p. 257).

Clauses directing the
construction of "gaols"
i. e. wooden cages, for
the confinement of of-
fenders. Similar to the
celebrated cage in which
the Countess of Buchan
was kept by the order
of Edward I.

Independently of the importance possessed by this Assize, on account of the regulations which it prescribes, it is very remarkable, as the earliest specimen of an Anglo-Norman statute in an authentic form. The laws of William the Conqueror are promulgated like those of his Anglo-Saxon predecessors, but this, is an act of Parliamentary regulation; and the other documents of a similar description, are only recited by the chroniclers, who, though they may have given the substance of the Assizes of Henry II. and Richard I. with tolerable accuracy, have yet failed to present them in their strict and legal guise. The present Statute is contained in a very fine and early copy of Glanville (Bib. Reg. 14, c. 2), where it has lurked unnoticed until the present time. And it is possible, that other MSS. of the same class may yet conceal legislative proceedings of great value. The clauses relating to the Inquests of the Townships and Hundreds, and the renewal of the Frankpledge, have been already explained. It may be added, however, that the declaration, that not even the honour of *Warrenne* was to be exempted, does not seem to have any peculiar relation to the privilege of that Franchise. *Warrenne* was inserted by way of example, just as the honour of Boulogne is noticed in a similar manner in Magna Charta; and this circumstance is not entirely unworthy of attention, inasmuch as it shews how readily the Clerks of the Chancery availed themselves of any established precedent of language.

The clauses concerning the construction of the gaol⁷¹ may require explanation. Such a place of confinement was neither

⁷¹ The etymology of the word is sufficiently clear. *Cavea*, or *caveola*, is the root. Hence, in Romance Latin, *gabia* and *gabeola*—*gajola*, *gaiolle*, *gaole*—all in use in the Langue d'Oil Dialects.—(Roquefort, vol. i. p. 656.)

more nor less than a great wooden cage, in which the miserable wretches were incarcerated until their deliverance—not hung out upon the topmost tower of the castle, but inclosed in a strong chamber, or, perhaps, fixed in a gloomy vault, like those which subsisted till the Revolution, in the Mount St. Michael. Of this description, but affording as much comfort as the residence would admit, was the well known cage in which the Countess of Buchan passed her dreary days of confinement. And it is rather singular that, considering how clearly the plan and structure of her “cage” can be collected from the writ of Edward I., it should ever have been imagined that she was exposed to public scorn on the battlements of Berwick tower⁷².

The renegades, against whom the prohibition (sec. 21) is directed, are the Publicans, as they were called, who, about the year 1165, were delivered to the secular arm, pursuant to the decree of the Ecclesiastical Council of Oxford⁷³. The historians state that these unhappy wretches perished in consequence of the severities which they experienced; but this prohibition shews that they escaped; or, that if the punishment killed the Heretic, it only scotched the heresy.

Clause for the extirpation of the heresy of the “Publicans.”

A clause in the oath of the Sheriffs of more modern periods, bound them to “destroy and make to cease all manner of

⁷² Ordenez est et mandez par lettres du privé seal, au Chaumberlein d’Escosse, ou a son Lieutenant, a Berewick sur Twede, que *en une des turelles dedanz le chastel*, de meisme le leu, en lieu qe il veist qe a ce feust plus covenable, feist faire une kage de fort latiz, de fuist, et barrez et bien efforcez de ferrement (of stout lattice work of timber, barred and strengthened with iron) en la quele il feist mettre la Contesse de Buchan.—(Fœdera, vol. i. p. 995.) By the same instrument it is ordered, that Mary, sister of Robert Bruce, shall be caged in the like manner, in the castle of Roxburgh. But this uncomfortable mode of confinement was but too common. In 33 Edw. I. (Rot. Claus. m. 3.) the Constable of Bristol castle is commanded to provide “*quandam cageam ligneam, ferro ligatam*,” fit for the accommodation of an unlucky Cambro-Briton, Owen ap David ap Griffith, who had incurred his displeasure. A prisoner in those days might be termed a gaol-bird, in sober sadness, and without a metaphor.

⁷³ Gul. Neubrig. lib. ii. c. 13.

heresies and errors commonly called Lollardies," and it is supposed to have been inserted pursuant to the Statutes 5 Rich. II. st. 5. c. 5. and 2 Hen. IV. c. 15. But these enactments seem rather to have adapted an old precedent to existing circumstances⁷⁴.

The Assize of Northampton, before quoted, was enacted in 1176, and, in the interval between that year and 1165, we probably find the era of the present Assize, which, if not the very Assize of Clarendon noticed by Benedictus Abbas, is yet an enactment agreeing with it in all those points, which render the reign of Henry II. the most important of the transition periods of the English Law.

Assize, enacted by the King by the advice of his Archbishops, Bishops, Abbots, and *other his Barons*, the Prelates here acting in their temporal capacity (p. 257, 259.)

Inquiry to be made by the twelve most lawful men of the Hundred, and the four men of the Townships. Such Inquests to be taken both by the Justices and the Sheriffs. Verdict.

Matters to be presented.

Hæc est assisa, facta apud *Clarendune*, quam Dominus Rex HENRICUS, consilio Archiepiscoporum et Episcoporum et Abbatum, cæterorumque Baronum suorum, statuit, pro pace servanda et justitia tenenda.

(1.) Quòd per singulos comitatus inquirent per singulos hundredos, per duodecim legatiores homines de hundredo, et per quatuor legales homines de qualibet villata, per sacramentum quod illi verum dicent, si in hundredo vel in villata sua, sit aliquis homo qui sit rectatus vel publicatus, quod ipse sit roberator vel murdrator, vel latro, vel aliquis qui fuerit receptor roberatorum vel murdratorum vel latronum, postquam Dominus Rex fuit Rex. Et hæc inquirentur justiciarii coram se, et vicecomites coram se*.

* Benedictus Abbas seems to consider the Assize which he has preserved in his life of Henry II. (p. 131) as the text of the law. But the document, which he gives, wants the formal introduction or enacting part; and instead of being the actual Assize, either of Clarendon or of Northampton, it seems to be formed by uniting both texts. As the acts of the ancient legislature were often repeated, we cannot be assured that *this* is the Assize to which he specifically alludes.

Hæc sunt Assisæ factæ apud Clarendune, et postea recordatæ apud Northampton.

Si quis rectatus fuerit coram justiciariis Domini Regis de murthero vel latrocinio, vel roberia, vel receptatione hominum talia facientium vel de falsoneria, vel iniqua combustione, per sacramentum duodecim militum de hundredo, et si milites non adfuerint, per sacramentum duodecim liberorum legalium hominum, et per sacramentum quatuor hominum de unaquaque villa hundredi, eat ad iudicium aquæ; et si perierit, alterum pedem amittat. Et apud Northamptoniam additum est pro rigore justiciæ, quod dexterum similiter pugnum cum pede amittat, et infra quadraginta dies a regno exeat.

⁷⁴ In consequence of the scruples felt by "Sir Edward Coke, late Chief Justice of the Common Pleas, and afterwards of the King's Bench, but removed from his place, and made Sheriff of the County of Buckingham,"—(Cro. Car. 26.)—this clause was expunged. His objections were well grounded; but neither the learned Sir Edward Coke, the Attorney-General, nor the learned Sir Edward Coke, the Chief Justice, could suspect the illegality, which became so forcibly apparent to the conscientious Sir Edward Coke, when out of office, and in opposition.

(2.) Et qui invenietur per sacramentum prædictum retatus vel publicatus de prædictis, eat ad juisam aquæ; et juret quod ipse non fuit roberator, vel murdrator, vel latro, vel receptor eorum, postquam Dominus Rex fuit Rex, de valentia quinque solidorum, quod ipse sciat.

(2.) Any person thus indicted, to undergo the water ordeal.

(3.) Et si dominus ejus qui captus fuerit, vel dapifer ejus, requisierint eum per plegios, infra tres dies postquam captus fuerit, replegiatur ille donec faciat legem suam.

(3.) But upon the application of his Lord, or of his Lord's Steward, he may be admitted to bail until he shall undergo the ordeal.

(4.) Et quando roberatores vel murdratores, vel latrones vel receptores eorum capti fuerint per prædictum sacramentum; si justiciarii non fuerint tam cito venturi in illum comitatum ubi capti fuerint, vicecomites mandent propinquiore justiciæ per intelligentem hominem, quod tales homines ceperint. Et justiciarii remandebunt vicecomitibus, ubi voluerint quod illi ducantur ante eos. Et vicecomes eos ducat ante justiciarios; et illic ducantur de hundredo et villata ubi capti fuerint, duo legales homines ad recordandum recordationem hundredi et comitatus, quare capti fuerunt. Et ibi ante justicias faciant legem suam.

(4.) Sheriffs to inform the Justices (if the latter are not speedily expected in the County) of such Persons as they shall have arrested pursuant to the Presentments, in order to take their directions as to the place where the Prisoners shall be sent for Trial. Two good men of the Hundred, or the Township, to appear before the Justices, to "record," i. e. to testify, the presentment, *vivâ voce*.

(5.) Et de illis qui capti fuerint per prædictum sacramentum, nullus habebit curiam vel justiciam nec catalla, nisi Dominus Rex in curiâ suâ, coram justiciariis ejus. Et Dominus Rex habebit omnia catalla eorum.

(5.) Offenders taken pursuant to the presentments, to be tried only by the King's Justices, and not by any inferior Court. All their chattels to be forfeited to the King.

(6.) De illis qui capti fuerint aliter quam per prædictum sacramentum, sit sicut esse debet. Et vicecomites qui eos ceperint, eos ducant ante justiciarios sine alia summonitione quam inde habebunt. Et omnes roberatores et murdratores, et latrones et receptores eorum, per hoc sacramentum vel aliter tradantur vicecomitibus, et ipsi recipiant eos, statim et sine dilatione.

(6.) Robbers, &c. apprehended by presentment, or in any other manner, to be delivered to the custody of the Sheriff, and brought by the Sheriff before the Justices, without any special summons.

(7.) Et in singulis comitatibus in quibus non fuerint gaiolæ, fiant in burgo vel in aliquo castello Domini Regis, et de bosco ejus si prope fuerit; vel de alio bosco propinquiore per visum servientium Regis ad hoc, ut vicecomites in illis possint illos, qui capti fuerint, per ministros et servientes suos custodire.

(7.) Gaols, or cages, to be built with the King's timber, if any of his forests shall be near the castle or town in which they are to be constructed, otherwise from the nearest wood (being private property.)

(8.) Vult etiam Dominus Rex quod omnes veniant ad comitatum ad hoc sacramentum faciendum; ita quod nullus remaneat pro libertate, quam habeat, vel curia vel soca, quam habeat, quod non veniat ad sacramentum faciendum.

(8.) No person to be excused from making the oath (i. e. serving on the Juries.)

(9.) Et non sit aliquis in castellum vel extra castellum, nec etiam in honore de *Warengia*, qui vetet vicecomites intrare in curiam suam et terram, ad videndum francos plegios, quod omnes sint sub plegio.

(9.) Sheriffs empowered to enter all Franchises for the purpose of seeing that the Frankpledge is duly kept.

(10.) Et ante vicecomitibus mittantur sub libero plegio: et in comitatu et in burgo nullus habeat homines nec receptet in terrâ suâ, vel in domo suâ, vel in socâ suâ, quos non in manu capiat, quod habebit eos ante justiciarios si requisiti fuerint, vel sint sub franco plegio.

(10.) Frankpledge to be held before the Sheriff. No lord, landholder, or householder, to allow any persons to remain in his soke, land, or dwelling, more than one night, unless they be in Frankpledge, or unless he will be their pledge for their appearance.

(11.) Sheriff to enter all Franchises for the purpose of arresting persons within the scope of the Assize.

(12.) Persons, in whose possession stolen goods are found, if defamed, or not having the warranty [of their lord] not to be allowed to undergo the ordeal.

(13.) Persons making confession before the Hundred, &c. not to be allowed to withdraw such confession, nor to be allowed the ordeal.

(14.) Offenders cleared by the ordeal, if of very bad testimony (i.e. if their lords refuse to give it) or otherwise defamed, to abjure the kingdom.

(15.) No stranger to be harboured anywhere except in a borough, and there, not more than one night, unless detained by illness or accident happening to himself or his horse.

(16.) If he prolong his stay, he is to be imprisoned until his lord shall repledge him.

(17.) Any Sheriff who shall receive information from any other Sheriff, that offenders have escaped into his bailiwick, is to arrest such offenders; and he is to act in like manner, if he shall become aware of such offenders, either from his own knowledge, or the information given by others.

(18.) Sheriffs also to return the names of such fugitives to the justices, in order that they may be arrested in any part of England where they are to be found.

(11.) Et nulli sint in civitate nec in burgo, nec in castello, vel extra castellum, nec in honore *Warengiæ*, qui vetent vicecomites intrare in terram suam vel socam, ad capiendos illos qui retati sunt vel publicati, quod sint roberatores, vel murdratores, vel latrones, vel receptatores eorum, vel uthlagati vel retati de foresta Regis: sed præceptum est quod juvent eos ad illos capiendos.

(12.) Et si aliquis fuerit captus qui fuerit saisitus de roberia vel latrocinio, si ipse sit defamatus et habet malum testimonium de publicamento, et non habet warrantum, non habeat legem.

(13.) Et si non fuerit publicatus per saisinam quam habeat, eat ad aquam. Et si aliquis fuerit recognoscens coram legalibus hominibus de hundredo, de roberia vel murthero vel latrocinio vel receptione eorum, et postea negare voluerit, non habeat legem.

(14.) Vult etiam Dominus Rex quod illi qui facient suam legem, et mundi erunt per legem, si ipsi fuerint de testimonio pessimo, et publice et turpiter defamati, multorum testimonio et legalium hominum, foris-jurent terram Regis; ita quod infra octo dies mare transibunt, nisi aura eos detinuerit, et cum primâ aurâ quam habebunt mare transibunt, et ultra in Angliam non revertentur, nisi per misericordiam Regis, et ibi sint uthlagati. Et si redierint, capiantur sicut uthlagati ⁷⁵.

(15.) Prohibet etiam Dominus Rex ne aliquis waivatus vel ignotus hospitetur alicubi, nisi in burgo, et ibi, non nisi una nocte; nisi ipse ibi infirmetur vel equus ejus, ita quod monstrare possit rationabile causam.

(16.) Et si hospitetur plusquam una nocte, capiat donec dominus ejus venerit ad plegiandum eum, vel ipse habeat salvos plegios, et ipse similiter capiat qui eum hospitatus fuerit.

(17.) Et si aliquis vicecomes mandaverit alio vicecomiti, quod homines fugerint de vicecomitatu suo, in alium comitatum, pro roberia vel pro murthero vel latrocinio, vel receptione eorum * * vel pro uthlagaria vel pro recto forestæ Regis, ille capiat illos; et etiam si per se vel per alios sciret quod tales homines fugerint in suum comitatum, capiat eos, et custodiat donec de eis habeat salvos plegios.

(18.) Et omnes vicecomites facient inbreviare omnes fugitivos qui fugerint de suis comitatibus, et hoc faciant coram comitatu, et illorum nomina scripta, portant ante justiciarios, cum primo venerint ad illos: ut illi per totam Angliam querantur, et eorum catalla capiantur ad opus Regis.

⁷⁵ Et si ad aquam mundus fuerit, inveniat plegios, et remaneat in regno, nisi retatus fuerit de murthero, vel alia turpi felonia, per commune comitatus, et legalium militum patriæ: de quo, si prædicto modo rectatus fuerit, quâvis ad aquam salvus fuerit, nihilominus infra quadraginta dies a regno exeat.— (Ben. Abbas, ut *supra*.) For "octo dies," in the text, we should probably read "quadraginta."

(19.) Et Dominus Rex vult ex quo vicecomites susceperint summonitiones justiciariorum itinerantium, ut ipsi cum comitatibus suis sint ante illos. Illi aggregabunt comitatus suos, et inquirent omnes qui de novo venerint in suos comitatus post hanc assisam, et illos mittent per plegios quod sint coram justiciariis, vel illos custodient donec justiciarii ad illos venerint, et tunc habebunt illos coram justiciariis.

(19.) Sheriffs to make inquiry by the suitors of their County Courts concerning all who have entered the County since the enactment of the Assize, and who are to be attached to appear before the justices.

(20.) Prohibet etiam Dominus Rex ne monachi, vel canonici vel aliqua domus religionis recipiant aliquem de minuto populo in monachum vel canonicum vel fratrem, donec sciatur de quali testimonio ipse fuerit, nisi ipse infirmus fuerit ad mortem.

(20.) Persons belonging to the lower orders not to be allowed to enter into religion without due testimony as to character.

(21.) Prohibet Dominus Rex ne aliquis in totâ Angliâ receptet in terrâ suâ vel soca sua vel domo sub se, aliquem de secta illorum renegatorum qui fuerunt excommunicati et signati apud Oxeneford. Et si quis eos receperit, sit in misericordia Domini Regis; et domus ubi illi fuerint, asportetur extra villam et comburatur. Et hoc jurabit unusquisque vicecomes quod hoc tenebit, et hoc jurare faciet omnes ministros suos, et dapiferos et barones et omnes milites et franco-tenentes de comitatu.

(21.) No one throughout England to harbour any follower of the Publicans or Renegades, who were excommunicated and branded at Oxford, and all Sheriffs to be sworn to the observance of this prohibition; and they are to administer a like oath to all their Bailiffs and Stewards, and to all the Barons, Knights, and Freeholders of the Shire.

(22.) Et vult Dominus Rex quod hæc assisa teneatur in regno suo, quamdiu ei placuerit⁷⁶.

(22.) Assize to be kept throughout England, so long as the King shall please.

⁷⁶ Bib. Reg. 14. C. ii.

FITZ-AILWYNE'S ASSIZE.

Assize enacted under
Henry Fitz-Ailwyne,
first Lord Mayor of
London (see p. 258.)

THIS Building Act, which affords much curious illustration, not only concerning the jurisprudence, but the domestic architecture of London, appears to have been required in consequence of the new mode of construction introduced subsequently to the disastrous fire, which, in the first year of the reign of Stephen, ravaged great part of the city. About that period all the houses were of wood, and thatched, and probably of slight construction. The assize of Henry II. (sec. 21) directs that the house of the individual who harbours a heretic shall be *carried out of the town and burnt*—which at least was more merciful than burning the owner. From this regulation, as well as from other passages in records and historians, we can ascertain that the log-houses, in which the middling and lower orders then dwelt, were very mean and small. A better mode of building was probably introduced by the Normans; but the houses of the burgesses and sokemen in general continued to be “getimbered,” as in the Saxon age. After the fire, however, the more durable mode of building, noticed in the Assize, was adopted in London. Stone and tile were employed: a similar improvement seems to have taken place in the other great cities. And if the “Jew’s House” at Lincoln⁷⁷ is a specimen of the ordinary street architecture of Henry II., it had then attained no inconsiderable degree of splendour.

The main object of Fitz-Ailwyne’s Assize is to facilitate the decision of vicinal disputes, by providing an expeditious, and at the same time an impartial, tribunal. It was therefore enacted

⁷⁷ This very singular relic has recently been miserably deformed by the introduction of a smart shop-front, surmounted by a sash-window. It may be doubtful whether even the rights of private property ought to allow the owner to deface or destroy any historical monument. But at all events, where opulent corporations exist, they would exercise a sound and praiseworthy application of their funds in the purchase of such structures, and thus their ruin might be averted.

that twelve Aldermen should be elected and sworn "in full husting," by whose verdict, or by the verdict of the majority, all such contentions were to be decided. Much of their business arose out of the regulations concerning party fence walls. These were to be not less than three feet in thickness. If built by the mutual consent of neighbours, each man ceded eighteen inches of his own ground. But if one wished to make this improvement, and the neighbour refused, then the first was entitled to build the whole of the wall upon the ground of his neighbour, though without depriving him of the property of the soil.

Very minute and special provisions were established or sanctioned by the bye-law concerning the dispositions of the parts and appurtenances of the buildings. They are clear and explicit: but rights of this description have always been a fruitful source of ill-blood and vexation; and unless the ancient citizens were of a much calmer and more placable temper than their descendants, we may be certain that very frequent disputes arose as to the rights and liabilities of the parties.

The remedy pointed out by the Assize was prompt and effectual. If any individual were aggrieved by the encroachment of another, he could restrain the workmen by giving security to the Sheriff, that he would pursue his legal remedy. Upon an appointed day, the twelve sworn Aldermen, together with the Mayor, proceeded to the spot. There they heard the allegations of the plaintiff and defendant, and viewed and inspected the premises; and their decision was final and conclusive. The absence of the defendant did not delay the caption of the assize. If the Jurors gave judgment against the encroachment, and it were not remedied within forty days, the plaintiff then applied to the Mayor. Two or three of the Jurors were nominated by him for the purpose of ascertaining the fact; and if the defendant were found to have been contumacious, he was "in mercy" for his contempt; and the Sheriff forthwith carried the judgment into execution.

Without bestowing any exaggerated praise upon this specimen of civic legislation, Fitz-Ailwyne's Assize might be perused as affording a useful precedent for the same object at the present day. A summary judgment given upon the site, possessing formality enough to secure justice, but not so formal as to occasion expense and delay, may be favourably contrasted with the intricate process to which the plaintiff must now resort, when he seeks his remedy by action according to our modern common law. And all parties before the Court may, perhaps, regret the time when the Jurors saw the facts with their own eyes, instead of listening to the statements of the counsel, and the evidence given by interested ignorance and stupidity.

Terms of Fitz-Ailwyne's Assize indicate the steps by which the Anglo-Saxon Thanes or Echevins, &c. were converted into Jurors.

As an example, comparatively recent, of the steps by which the Anglo-Saxon functionaries were converted into the Anglo-Norman inquests, Fitz-Ailwyne's Assize is of great value. The Aldermen, by law required to decide upon oath, became a jury, and in this instance their verdict was of a mixed nature. It had the form of recognition, and the effect of a judgment. They were both Jurors and Judges. *Facts* were ascertained by them as Jurors, and a *judgment* given by them as Ealdormen. In London the Assize of Fitz-Ailwyne went out of use. No other similar duty was assigned to the Ealdorman, yet their capacity, as magistrates, continued unimpaired. But, in the open country, the "Judicatores," unprotected by municipal franchises, or, to speak more correctly, having no municipal franchises to protect, were ultimately lost amidst the inquest-men and jurors of the shire.

(p. 214, &c.)

Incipit ordo qualiter procedendum est, in Assisis de Edificiis, inter vicinos Civitatis Londoniæ⁷⁸.

Preamble. Assize, or Bye-law, provided and ordained by the more discreet and better men of the City of London.

Anno Domini millesimo clxxxix, videlicet primo anno regni illustrissimi Regis RICARDI, tunc Majore Londoniæ Henrico filio Elwini, qui fuit primus Major Londoniarum, provisum fuit et ordinatum per discretiores viros civitatis, ad contenciones

⁷⁸ The Records in the City Archives contain several copies of this Assize. The portions now published are taken from a Manuscript (Bib. Cott. Vesp. D. p. 92,) containing much valuable matter relating to the Laws and Customs of the City, extracted from the City Books, with marginal references to the Originals. It appears to have been compiled in the reign of Edward III.

pacificandas, quæ quandoque oriuntur inter vicinos in civitate, super claustris inter terras eorum factis, vel faciendis, et rebus aliis; ita quod secundum quod tunc provisum et ordinatum fuit, debent tales contenciones pacificari.

Dicta vero provisio et ordinatio vocata est, assisa; ad quam assisam prosequendam et ad effectum producendam, electi sunt xii. viri *Aldermanni* de civitate, in pleno hustengo et ibidem *jurati*, quod ad illam exequendam, fideliter intendant, et ad sumonitionem Majoris veniant, nisi causa rationabili sint impediti. * * *

Necessare est tamen quod major pars prædictorum virorum intersint, cum Majore, ad prædictum negotium exequendum. Sciendum est, quod qui petit assisam, eam debet petere in pleno hustengo. Et Major assignabit ei diem infra octo dies, ita quod per prædictos xii. viros, vel per majorem partem illorum sicut prædictum est, assisa illa terminetur. * * *

Si vero domus, murum lapideum, cloaca, stillicidium, vel aliquod aliud edificium, in tempore petitionis dictæ assisæ edificatur; statim ad sectam illius petentis defendatur, nec amplius edificant. Et si ultra defensionem, carpentarii, latomi ac alii operarii, aut etiam dominus dicti edificii, edificia edificaverint, prisonæ mancipentur.

Si vero hustengum non sedeat, sicut tempore quo sunt nundinæ *Sancti Botulphi* et tempore messium, et tempore quo nundinæ sunt apud *Wyntoniam*, et aliquis habeat necessare ad illam assisam petendam; gratis debet ei concedi a Majore et aliquibus de civibus præsentibus cum Majore, et terminari sicut prædictum est, per prædictos xii viros *juratos* vel per majorem partem illorum et semper in præsentia Majoris. * *

Sciendum est, quod si aliquis edificet juxta tenementum vicini, et visum sit dicto vicino illum injuste et ad dampnum tenementi sui ibidem edificare; bene potest edificationem illam impedire, datis vadio et plegio vicecomiti civitatis de prosequendo; et tunc cessabit illa edificatio, quousque per prædictos xii viros vel per majorem partem illorum discussum sit, si injuste vel non fuerit edificatum. Et tunc necessare est ut ille cujus edificatio impeditur, petat assisam. Die autem statuto, et prædictis xii viris summonitis, debet Major civitatis cum prædictis viris super tenementum illorum, inter quos assisa petitur, accedere, et ibidem secundum visum xii virorum aut majoris partis illorum, auditis hinc inde querimonia conquerantis et responsione adversarii sui, illud negotium terminare. * * *

Si autem ille de quo querimonia facta fuerit, fecerit defaultam, nichilominus procedat assisa per considerationem prædictorum xii virorum vel per majorem partem illorum. Et quod per illos judicatum fuerit, debet per vicecomitem intimari illi qui fecerit defaultam, ut quod judicatum fuerit infra xl dies proximo sequentes ad effectum perducatur. Et sciendum est quod quociens prædictum judicium infra xl dies non fuerit perfectum, et super hoc querimonia facta fuerit Majori Londoniæ, tunc debent duo viri de assisa vel tres per præceptum Majoris ibidem accedere, et si viderint quod ita sit, tunc erit ille contra quem assisa fertur, in misericordia. Et vicecomes proprio custu ipsius, illud judicium statim perducere ad effectum tenetur. * * *

Twelve Aldermen to be elected in full husting, and sworn. To appear when summoned by the Mayor.

Benefit of the Assize, to be prayed in full husting.

Buildings, &c. to be stayed as soon as the Assize is prayed. Carpenters, masons, &c. proceeding with the work in contempt of the injunction, to be committed to prison.

During such periods as the Court of Husting does not sit—viz. Harvest time, Boston Fair, Winchester Fair,—the Mayor, and a competent number of Citizens empowered to act.

Mode of proceeding in cases of encroachment. The Mayor and sworn Aldermen to proceed to the spot, where they are to settle the matter upon inspection of the premises, and hearing the allegations of the parties.

Encroachments to be removed within forty days. If not done, two or three of the sworn Aldermen to ascertain the fact, in which case the Defendant is "in mercy."

Sheriff to carry judgment into execution, at the expense of the Defendant.

TRIAL BY JURY.

(See Chap. VIII.)

Its details.

Great importance of viewing Trial by Jury in its proper light—viz. as a trial by *witnesses*.

I HAVE stated the process by which Trial by Jury was gradually established in England. The documents which follow are quoted in my text, and should be perused in illustration. It has been well observed, "that an institution which is so peculiarly characteristic of England, as Trial by Jury, deserves every attention to its origin;"⁷⁹ and, therefore, the records which illustrate this portion of our legal history, however dry and technical they may be, must always possess great interest in the eyes of every one who is anxious to become acquainted with the real nature of a tribunal praised and prized by every Englishman, and yet the nature of which has been entirely misunderstood, because the evidence has been cast aside. The records of these earlier ages are always clear narratives of the facts. They are strictly reports of the proceedings, and not, like the pleadings of the present age, a creation of the lawyer, put into a shape which bears no semblance to the history of the case which it includes.

Upon the character originally possessed by the Traverse-Jurors, as witnesses, and as witnesses only, the course of our ancient common law mainly depends. The merits and defects of the system are chiefly to be attributed to this peculiar source. And, from the means which were adopted to administer justice, when such a mode of trial could not be fairly obtained, and when the *witnesses* summoned and impanelled by the Sheriff became incompetent to afford a fair trial, arose that "equitable jurisdiction," which maintained so long and angry a conflict with the "common law," the effects whereof may yet be discerned in the forms and maxims of our jurisprudence.

⁷⁹ Hallam's Middle Ages, ch. viii. p. 1.

Whilst the ordeal subsisted, the Presentment was the testimony of those, who, guided either by circumstantial evidence which had become known to them, or by their actual knowledge of the facts, declared their strong and vehement *suspicion* of the guilt of the Party (9); or their absolute *conviction*, that he had committed the crime (12, 13, &c.) In such a case, a verdict so given would now be followed by sentence; and, therefore, as I have before observed, the ordeal was, in fact, only a mode of giving to the Culprit a last chance of escaping the punishment of the law. The same testimony of the Jurors supported the assertion of the Appellant, who was at once a Prosecutor and a Witness for the prosecution: but it could also discharge or annul the Accusation which he preferred.

Recapitulation of facts established by the Records.

(P. 234.)

(P. 232.)

Originally conceded as a special favour (17, 18), and purchased by a fine, or other gift or payment to the King, the Traverse, or Petty Jury, was merely considered as a species of proof, more or less conclusive, according to the circumstances under which it was afforded. Concerning those facts only, which the Jurors could be supposed to know from their own sight and hearing, was their testimony received. So that in case of death by poison, there could be no trial by the Country. The murder was a fact, which could not be known to the Country; and which consequently could not be testified by the Country. The Parties were, therefore, driven to the Duel, being the only ordeal which remained after the abolition of the Fire and Water ordeal⁸⁰. When the Jurors gave a verdict, the Judge was required, if he doubted their testimony, to take them apart from each other, and to sift and examine the evidence thus obtained⁸¹. Full and cogent proof, by witnesses, ousted the Culprit of his trial by Inquest (21). When such evidence was given as entirely concurred with the knowledge of the Grand Jury and of the Men of the Townships, it appeared entirely unnecessary to indulge the Culprit with any further

⁸⁰ Bracton de Corona, c. 19.

⁸¹ Ib. c. 22.

inquiry. But the positive testimony of the Inquest was not always to be received to its fullest extent. It could not prevail so entirely against circumstances which the law considered as the surmise of guilt, as to restore the credit of the supposed offender (22). Though rebutted by opinion, the visible facts still spoke against him. And even the suspicions entertained by a Township, whose representatives were rejected from the array (20), were sufficient to prevent the unconditional discharge of the Offender, whom the other Townships had absolved.

(1.)

Writ or Charter of the Conqueror, directing the restitution of the Lands of the Church of Ely.

Willielmus Rex Angliæ, *Lanfranco* Archiepiscopo et *Rogero* Comiti *Moretonii* et *Galfrido Constantiniensi* Episcopo, salutem. Mando vobis et præcipio, ut iterum faciatis congregari omnes scyras quæ interfuerunt placito habito de terris ecclesiæ de Ely, antequam mea conjux in Normanniam novissime veniret.

Cum quibus etiam sint de Baronibus meis qui competenter ad esse poterint, et prædicto placito interfuerunt, et qui terras ejusdem ecclesiæ tenent. Quibus in unum congregatis, eligantur plures de illis Anglis qui sciunt quomodo terræ jacebant præfatae ecclesiæ, die quâ Rex *Edwardus* obiit, et quod inde dixerint ibidem, *jurando testentur*. Quo facto, restituantur ecclesiæ terræ quæ in dominio suo erant, die obitus *Edwardi*, exceptis hiis quas homines clamabant me sibi dedisse; illas vero, litteris mihi significate, quæ sint, et qui eas tenent. Qui autem tenent *Theinlandes*, quæ proculdubio sunt et debent teneri de ecclesia, faciant concordiam cum abbate, quam meliorem poterint; et si noluerint, terræ remaneant ad ecclesiam. Hoc quoque de tenentibus socam et sacam fiat. Denique præcipite ut illi homines faciant pontem de Ely, qui meo præcepto et dispositione hucusque illum soliti sunt facere.—(*Monasticon*, vol. i. p. 478.)

This instrument exhibits the mode by which the Anglo-Norman practice was ingrafted upon the Anglo-Saxon tribunals. The Shires are assembled before the King's Justices, or Commissioners; the Barons, as well as the Tenants, enfeoffed by the Conqueror, are to assist at the "Placitum" with the Suitors, and from the latter a competent number of Englishmen are selected as Witnesses, an oath is imposed upon them, and judgment is to be given according to their recognition or testimony. In the reign of William Rufus, we find an original writ (2) direct-

ing the restoration of lands by the *Judgment* of the Shire, and without prescribing a Jury; but the writ of execution commands the delivery of the property, "as it is testified and *sworn*," therefore the Sheriff either impanelled the Inquest at his own discretion, or by virtue of some other writ, concurrent with the first commission.

(2.)

Rex, *Willielmo de Cahannis*, salutem. Præcipio tibi, ut facias convenire Sciram de Hamtona, et iudicio ejus, cognosce, si terra de Isham reddidit firmam monachis Sancti Benedicti, tempore patris mei, et si ita inventum fuerit, sit in dominio abbatis; si vero teinlanda tunc fuisse invenietur, qui eam tenet, de abbate teneat, et recognoscat. Quod si noluerit, eam abbas in dominio habeat, et vide ne clamor inde amplius ad me redeat. Teste Willielmo Episcopo Dunelm. Writ of William Rufus.

Rex, *Willielmo* vicecomiti, salutem. Mando et præcipio tibi ut Abbatem *Ailsi* facias habere *Isham*, sicut ipse dirationavit eam in *Hamtona*, et sicut testimoniata et jurata fuit ad opus Sancti Benedicti. Teste R. Bigot.—(Brady, Pref. p. xlix.)

(3.)

WILLIELMUS filius regis, *Willielmo* vicecomiti de *Chent* salutem. Præcipio quod præcipias *Hamonem* filium *Vitali*, et probis vicinis *Santwic*, quos *Hamo* nominabit, ut dicant veritatem de nave abbatis de *Sancto Augustino*: et si navis illa perrexit per mare, die quâ rex novissime mare transivit, tunc præcipio ut modo pergat, quousque Rex in *Angliam* veniat, et interim resaisiatur inde Abbas predictus. Testibus Episcopo *Sarum* et Cancellario apud *Wodestoc*. Writs issued in the name of William the Atheling, son of Hen. I.

(4.)

WILLIELMUS filius regis, *Willielmo* vicecomiti salutem. Præcipio quod resaisias abbatem de *Sancto Augustino* de nave sua sicut ego præcepi per meum aliud breve, et sicut recognitum fuit per probos homines comitatûs, quod inde abbas erat saisitus, die quâ rex mare novissime transivit, et in pace teneat, et hoc sine mora, ne inde clamorem amplius audiam. Teste Cancellario apud *Windesor*. (Bib. Cot. Julius, D. ii. p. 92.)

These writs relate to the right possessed by the Abbots of St. Augustine, grounded upon various Anglo-Saxon charters, of freeing one vessel from all tolls in the Port of London. It is clear, that the "probi vicini" of Sandwich, mentioned in the first writ (3) are the "probi homines" of the second (4). At this era it will be seen that the same process which impanelled the Jury, also contained directions to place the Claimant in possession of the right which he demanded.

(5.)

DE FORO ABBINDONIÆ.

How the men of Wallingford impleaded the Abbot of Abingdon concerning his rights of market.

The men of Wallingford and Oxford appear before Henry II. and allege, that the market of Abingdon is held otherwise than it had been in the time of Henry I. and contrary to law: and the King, giving credit to such allegations, enjoins the Monks not to hold such markets, except for small articles, until his return from parts beyond the seas.

By pretence of which injunction, the Plaintiffs endeavour, with the help of the Constable of the castle of Wallingford, to abate the market altogether, but the men of Abingdon drive them away by main force.

In consequence of this transaction, the plaintiffs do not await the King's return, but send to him abroad, and obtain his writ, addressed to Robert de Bellomonte, Earl of Leicester, the Justiciar.

King's writ, commanding the Justiciar to convene the County of Berks, and to cause twenty-four Jurors of the time of Hen. I. to be elected, by whose verdict the plea is to be decided.

Verdict accordingly given in the County Court, that the Monks had enjoyed the full right of market.

The Plaintiffs suggest that the verdict was false, upon which the King orders that a fresh inquest shall be taken, selected equally from the men of Wallingford and the men of the County at large.

In primo tempore adventûs Abbatis *Walkelini* ad hanc ecclesiam, adierunt Regem Henricum, *Walingefordenses* cum his de *Oxeneford*, de foro *Abbondonensi* ei suggerentes, quod aliter esset, quam esse deberet, vel Henrici regis, avi sui, tempore fuit. Multa postea verborum dolositate et fallaciis insistebant, ut regis assensum de foro defendendo adquirerent. Quibus, cum rex credendum putaret, præcepit quidem interim mercatum defendi, præter parva venalia quæ ibi vendi solebant: quousque ipse de transmarinis partibus, ad quas tunc properabat, reverteretur; et super hoc causam subtilius examinaret. Illi vero, acceptâ potestate, a fori defensione donec Rex transfretaret abstinuerunt; sed postea quasi libero utentes malitiæ suæ impetu, assumpto secum regis constabulario de *Walingeford*, ad *Abbondonam* advenerunt, ex Regis verbo, omnes qui venalia sua illuc detulerant, abire præcipientes, rusticisque vim inferentes. *Abbondonenses* autem fori suo defensionem graviter ferentes, assumptâ, nescio unde, audaciâ, omnes qui invenerant adversarios, cum dedecore a villa longius abegerunt. Quâ repulsione, amplius adversarii ad malum instigati, Regis in patriam adventum non expectantes, ad eum ubi erat venerunt, et qualiter eis non sine injuria Regis eveniret, multa superadidentes vana, retexerunt. Importunitati quorum cum legis equitate satisfacere volens, quodam eis brevi tradito, repatriare permisit; revertentes vero et prorsus fori *Abbondonensis* eversionem in litteris contineri putantes, ad Justiciam Angliæ, *Robertum* videlicet comitem *Legecestriæ*, pervenerunt; lectum igitur est coram Justitiâ, abbate *Walkelino* assistente, breve, hujusmodi habens sensum.

Henricus Rex Angliæ et Dux *Normanniæ* et *Aquitaniæ*, et comes *Andegaviæ*, *Roberto* comiti *Legecestriæ* salutem. Præcipio quod convocato omni comitatu *Berchesciræ*, viginti quatuor homines de senioribus, qui *Henrici* Regis avi mei tempore fuerunt, eligere facias; qui si jurare poterint quod in diebus ejus plenum mercatum in *Abbondona* fuerit, ita sit et nunc. Si vero nec viderunt, nec jurare poterint, ut rectum est, prohibeatur ne amplius inde clamorem audiam.

Quo perlecto, confusi sunt a spe sua quam portaverant, utpote de veritate sibi conscii, præcipiente tamen Comite, *Adam* vicecomes, comitatum plenum apud *Ferneburgam* congregans, homines qui secundum regis præceptum jurare deberent electos, constituit; qui cum juramento asseruerunt se rerum omnium venalium mercatum plenissimum inibi vidisse et interfuisse. His ita finem habentibus, et Rege ad regnum proprium revertente, conveniunt ad eum jurgatores prædicti, fingentes juramentum falsum factum fuisse, et, quia quidam eorum qui juraverant, de abbacia erant, quod eis utile videbatur et non quod rei veritas docebat, protulisse. His verbis Rex aliquantulum commotus, præcepit ut apud *Oxeneford*, iterum *Walingefordenses* et omnis comitatus *Berchesciræ* coram justitiis suis convenirent, et ex utraque parte seniores viri eligerentur, qui secundum quod eis verum videretur, pro foro *Abbondonensi* jurarent; ita tamen, ut de abbacia, nullus de jurantibus esset, ne

suspicaretur aliqua de causa velle perjurare. Quod cum præcepisset Rex, ad *Sarisberiam* profectus est, omnibus justitiis suis ad audiendum relictis.

Congregati sunt igitur ut rex jusserrat, universi; et segregati qui jurarent, diversis opinionibus, causam suam confundebant. *Walingefordenses* enim nunquam *Henrici* Regis senioris tempore, præter panem et cervisiam vendi in *Abbondonia* jurabant: *Oxenfordenses* vero nam et ipsi jurabant se mercatum inibi ampliolem; ceteris non autem plenum, ut in navibus onerariis et quadrigis, vidisse dicebant. Qui vero de comitatu jurabant, plenum omnium verum mercatum vidisse se asserebant, de navibus tantum onerariis per aquam *Tamisiæ* currentibus dubitabant; abbate tamen, navibus suis, ad ea quæ vellet utente. Comes autem *Legecestriæ* qui Justitia et Judex aderat, eorum videns opiniones variare, nihil super hoc judicare præsumpsit, sed ad Regem profectus, ei quæ gesta fuerant, indicavit; ne tamen Rex de rei hujus veritate inscius dubitaret, idem Comes plenum *Henrici* regis tempore se testatus est vidisse mercatum, et quod ulterius est, cum adhuc puer esset, et apud *Abbondonam* nutrire, regis *Willielmi* tempore. Rex autem tanti viri testimonio delectatus, plus soli verum-dicenti credendum sentivit, quam multis, per contentionem a veritate discordantibus. Interea Rege apud *Radingam* existente, convenerunt ad eum præfati calumpniatores, dicentes se ejus villas minime tenere posse, si mercatum ut ceperat, in *Abbondonam* permaneret. Quibus pro malæ mentis pertinacia Rex indignatus, eosdem a se turbulenter abegit, præcepitque, ut a die illo, mercatum plenissimum ibi esset, navibus tantum exceptis, abbate tantummodo suis utente: et ne aliquis dissipare niteretur quod *Henrici* regis avi sui tempore dispositum constabat, et ipse nunc confirmabat, calumpniantibus silentium imponens perpetuum interdixit. Tamen antequam res hæc, ad hunc finem perveniret, non modicum pertulit Abbas *Walkelinus* laborem. (Bib. Cott. Claud. B. vi. p. 178.)

(6.)

Henricus Rex Angliæ Dux Normanniæ et Aquitaniæ et Comes Andegaviæ, *Ricardo* de *Luceio* et forestariis de *Windesores* salutem. Præcipio quod sine dilatione faciatis recognosci per sacramenta legalium hominum de hundredo, quot porcos quietos de pasnagio Abbas de *Abendona* solebat habere in foresta mea, quæ *Kingesfrid* vocatur, tempore Regis *Henrici* avi mei: et sicut recognitum fuerit, ita *Walchelino* Abbati de *Abendona* et monachis ibidem Deo servientibus, juste habere faciatis. Teste *Man. Biset* dapifero, apud *Rothomag.* (Bib. Cott. Claud. B. vi. p. 174.)

(7.)

Gualerannus filius *Ranulfi* dedit Deo et ecclesiæ Sancti *Stephani* de *Cadomo*, unam mansionem terræ infra Londoniam, quæ fuit *Liefredi* Angli,

⁸² Extracted from a very valuable Chartulary of the Monastery, now in the possession of the Abbé de la Rue. The greater portion of the muniments of the abbey were dispersed or destroyed during the Revolution. The charters of the "Abbaye Aux Dames," founded by Matilda, were concealed by the nuns under the tiles of the abbey house, where they escaped the *Sansculottes*, but perished under the attacks of rats and mice.

The Jurors of Wallingford, of Oxford, and of the body of the County, give discordant verdicts.

The Earl of Leicester does not give judgment, but proceeds to the King, and testifies, that when he was brought up at Abingdon—he, as a boy, saw how the market was enjoyed.

Full right of market confirmed to the Monks by the King's judgment.

Right of pannage claimed by the Abbot of Abingdon—recognition to be taken by the "probi homines" of the Hundred (p. 255) pursuant to Writ of Hen. II.

How the Abbot of Caen recovered a curtilage in Wood-street, by a verdict given in the Husting of London, pursuant to the Writ or Commission of Hen. II.⁸²

(P. 255.)

House in Wood-street, near St. Peter's church, which had been the property of Leureth or Liefrid, the Englishman, granted by Walram Fitz-Ralph to the Monks of St. Stephen's Abbey.

A part thereof fraudulently usurped by John, the son of Nicholas, the mercer, who grants the same in fee-farm, *tempore Stephani*.

Abbot William procures the writs of Hen. II. addressed to the Earl of Leicester, and to Bocointa, Sheriff of London, directing them to decide the question by a sworn inquest.

The Defendants, being then summoned to the Court of Husting, make default.

By advice of the Husting, fourteen Jurors are elected pursuant to the King's writ—by whose oath and record the monks recover their land.

sitam in *Wodestrata*, prope ecclesiam Sancti *Petri*, quietam de gelt et de escot et de omni alia consuetudine, quam *Guarinus Bucherell* et hæredes sui, longo tempore de prædicto Sancto *Stephano* tenuerunt. Verumtamen in diebus eorum, quædam pars terræ prædictæ mansionis, subtracta fuit et separata cum dolo. *Johannes* autem filius *Nicholai*, *Mercennarius* de *Londonia* hanc prædictam terram de mansionem Sancti *Stephani* separatam atque subtractam, quæ latitudinem duodecim pedum habet in fronte, liberavit *Ricardo* filio *Edithæ* quasi ad feudalem firmam, in tempore persecutionis quæ fuit sub Rege *Stephano*. Quo mortuo, *Henricus* Dux *Normanniæ* et *Aquitaniæ*, Regnum *Angliæ*, Deo annuente, adeptus est, qui a Deo constitutus est Rex gloriosus et fortis. Sub quo, *Willielmus* Abbas rexit *Cadumensem* ecclesiam. Qui audiens hanc divisionem factam, illo nesciente, de terra Sancti *Stephani*, venit *Londoniam*, cum scriptis et munitionibus Regis *Henrici*, ad Comitem *Legecestriæ* et *Umfredum Bocointa*, Vicecomitem *Londoniæ*. Quibus Rex *Henricus* mandabat, quod ipsi, de civibus civitatis *Londoniæ* veritatem audirent, consilio *Hustingi*, per sacramenta legalium hominum, de terra Sancti *Stephani* de *Cadomo*; vocatisque illis qui terram tenuerant, si venirent si venire noluerint, veritatem audirent. Qui audientes mandatum Regis, miserunt primò et secundo usque ad tertium, ad *Johannem* et *Ricardum* qui terram tenuerant, quod venirent in *hustingo* audire mandatum Regis, et veritatem et iudicium, de terra Sancti *Stephani*, quam tenuerant; qui divertentes, neque ad primum, neque ad secundum, neque ad tertium venerunt *hustingum*. *Iusticia* vero et qui aderant, hoc videntes, fecerunt mandatum Regis. Et per commune consilium de *hustingo* secundum præceptum Regis, elegerunt quatuordecim viros de civibus civitatis *Londoniæ* qui juraverunt. Et per sacramentum et per recordationem juramenti eorum, Sanctus *Stephanus* habuit totam suam mansionem cum prædicta parte, lata duodecim pedum, quam *Johannes* et *Ricardus* filius *Edithæ* tenuerant. Hæc sunt nomina illorum qui juraverunt in *hustingo*, divisam de terra Sancti *Stephani*, quæ est infra *Londoniam* in *Wodestrete*.

Martinus Cartarius.
Odo Corduanarius.
Terricus Bolloc.
Serlo de Cadomo.
Willielmus Toyri.
Stephanus Mercennarius.
Engelramus Cobba.
Albertus Loremaris.
Nicholaus Lefranceis.
Rainerus Wardus.
Albricus de Domo Petri.
Willielmus Garlec.
Johannes Toyri.
Radulphus frater Hervici.

Isti quatuor, *Martinus, Odo, Terricus, et Serlo*, juraverunt; reliquos vero decem, quietavit *Willielmus Abbas*, qui parati erant jurare.

Et hæc sunt nomina eorum, in quorum præsentia juraverunt. *Umfredus Bocointa*, Vicecomes *Londoniæ*, *Geufridus* frater ejus, *Willielmus* filius *Ailwardi*, *Halderman*; *Robertus Pulcher*, *Halderman*; *Fromundus*, *Halderman*; *Henricus* filius *Ailwini*, *Halderman*; *Petrus* filius *Walteri*, *Halderman*; *Willielmus Camerarius*, *Robertus* filius ejus, *Johannes Bocointa*, *Geufridus Bocointa*, *Radulfus de Wodestreta*, *Symond de Haverhulla*, *Petrus* filius *Alveredi de Windesora*, *Petrus* filius *Meillesme*, *Hervicus de Torreneio*, *Robertus Neulerius*, *Geufridus Aurifaber* filius *Willielmi*, *Everardus* frater ejus, *Willielmus de Ely*, *Willielmus de Rothomago*, *Rainerinus de Valentiis*. Et ex parte *Abbatis* sunt hii testes. *Rogerus de Montenneio*, *Willielmus Manchon*, *Geufridus Camerarius*, *Ricardus de Dovra* filius *Rainaldi*, *Haymeric* filius *Quintini*, *Johannes* filius *Geroldi*, *Eustachius de Ros*.

(8.)

Anno millesimo centesimo vicesimo secundo ab incarnatione Domini.

(P. 255.)

Henricus Rex Anglorum præcepit ut quærela monachorum Sancti *Stephani Cadomi*, quam faciebant de terra, quæ pertinet ad ⁸³*Bridetonam*, quam homines Regis de *Brideport* præripuerant, et auxilio ministrorum Regis potiti diu tenuerant, sub examinatione Judicum discuteretur; ita quidem ut finis totius quæstionis in affirmatione virorum de quatuor partibus vicinitatis illius villæ poneretur. Quod sepe dilatum, tandem ut fieret, instabat Regis jussio. Die igitur statuto, calumpnia monachorum audita est coram septem hundredis qui convenerant super eandem terram, ex circumjacentibus et procul remotis villis, præsentem *Guarino Vicecomite de Dorseta et Sumerseta* cujus tenendum super hac re specialiter injunctum erat, et secundum regis definitionem juratum est. Nam sexdecim homines, tres videlicet de *Brideport* et tres de *Bridetona* et decem de vicinis, juraverunt se veram affirmationem facturos de inquisitione terræ illius. Qui, factâ inquisitione, cujus rectius debeat esse affirmabant, juxta fidem juramenti, prædictam terram antiquitus adjacere ad *Bridetonam*. Et cujus fuerit *Bridetona*, ejus debere esset et terra illa. Quorum assertioni cuncti adquiescentes; Dei gratia, Sanctique *Stephani* meritis, sua jura conquærentibus adjudicabant, restituendamque terram illam ad *Bridetonam*, et monachis ilico tradendam. Sicque eodem die factum est nomina vero illorum qui juraverunt, hæc sunt. *Willielmus de Uer*, *Ranaldus Postel*, *Rualdus de Esterta*, *Ricardus* filius *Livingi*, *Ailwardi de Denecaham*, *Edwardus Chingenot*, *Saricus de Berewicia*, *Ailwardus de Bridia*, *Leovericus Burdelin*, *Alwinus Bacon*, qui erat præpositus, *Edwinus* filius *Sarici de Brideport*, *Alvricus* filius *Sideflet*, *Tedwi de Brideport*, *Torgotus de Bridetona*, *Saricus de Bridetona*, *Alwinus* filius *Onwini de Bridetona*.

Complaint preferred to Hen. I. by the monks of St. Stephen at Caen, against the King's tenants of Bridport, who, as the monks allege, had unlawfully occupied certain of their lands, appurtenant to the manor of Brideton.

The King orders that the same shall be determined by the testimony of four Townships.

"Seven Hundreds" assembled before Warine, Sheriff of Dorset and Somerset.

Verdict of sixteen Jurors

. who state that the land had always been appurtenant to Brideton, as claimed by the Monks.

Names of the Jurors.

⁸³ The Manor of Brideton, with the appurtenances, was granted to the Abbey by the Conqueror, "consilio Mathildis uxoris meæ, baronumque meorum."

Though the Jury was returned or selected by the advice of the Husting (7), yet the process rested wholly upon the King's writ, which was in the nature of a special commission to the Earl of Leicester and to the Sheriff. It is a curious fact, that Fitz-Ailwyn himself was present during these proceedings; and that his Assize altered their course, and gave to the Aldermen, nominated by the Court, the character of Jurors united to that of Judges. The claim of the Abbot was in the nature of a suit "de rationabilis divisis." In a case, not entirely dissimilar, Hen. I. allowed the Justices to exercise their discretion. They were to take the recognition of the "probi homines" concerning the disputed boundary; but if the suitors, when unsworn, did not testify to the satisfaction of the Justices, then an oath was to be administered to them⁸⁴. They might be treated either as Anglo-Saxon suitors, or as Anglo-Norman inquest-men. And, in the Husting case, since the Abbot was contented with the oaths of four of the Inquest, the Court acquiesced. All these circumstances shew, that the whole process was only considered as the means of getting at the truth, and not bound by any rigid rule.

(P. 251.)

(9.)

Jurors present Christiana, the widow of Ernaldus de Knabbewelle, and a certain clerk, named Reginald, as the murderers of Radulphus Parmentarius, who had been found dead, with his neck broken, stating in this presentment, the grounds of their suspicions, viz. because the deceased had brought a suit against Christiana in the Ecclesiastical Court, for breach of promise of marriage, at the time when she cohabited with the clerk. And upon these grounds of suspicion, thus testified by the Jurors, it is adjudged that Christiana shall clear herself by the fire ordeal.

Juratores dicunt quod *Radulphus Parmentarius* inventus fuit mortuus, collo ejus fracto, et de ejus morte habent quandam *Cristianam*, quæ fuit uxor *Ernaldi de Knabbewelle* in suspectione, quia ipse *Radulphus* inde placitavit eam in capitulo, de fide suâ, quam ipsa affidaverat eum: et *Reginaldus*, clericus de frequentaverat eam, post mortem *Ernaldi* viri sui, et eam abstulit ab ipso *Radulpho*; et ipsi habuerunt ipsum *Radulphum* in odio, quia eam implacitaverat de fide suâ; et pro odio illo habent ipsum clericum et ipsam *Cristianam* suspectos de morte illius. Et Comitatus dicit quod habent eos in suspectione. Ideo consideratum est, quod clericus et *Cristiana* veniant coram justiciariis die Veneris et *Cristiana* mundet se per ignem. (Rot. It. Wiltes. &c. 10 Ric. I.)

⁸⁴ H. Rex Anglorum, *Ran. Meschino* et *Osberto* Vicecomiti, et *Picoto* filio *Colsueni* et *Wigoto de Linc*, salutem. Ite, et videte divisas inter manerium meum de *Torkesei* et manerium de *Estora*, et facite recognoscere per probos homines de comitatu, et dividere prædictas divisas. *Et si bene eis non credideritis, sacramento confirment quod dixerint.* (Mon. vi. p. 1273.)

(10.)

Juratores dicunt, quod *Osbertus Cole* occidit quendam *Godefredum*, cum quadam furca ferrea. Et *Osbertus* captus est, et venit, et defendit quod eum non percussit, nec per eum mortem accepit. Mundet se per aquam, de morte illâ. (Rot. It. Wiltes. 10 Ric. I.)

The Jurors of the Hundred affirm that Osbertus Cole killed a certain man named Godfrey, with an iron fork. The accused denies the fact, but he is condemned to undergo the water ordeal.

(11.)

Juratores dicunt quod apud *Estr'*, fuit *Willielmus Algar* de nocte vulneratus, et *Editha* uxor ejus et *Matilda* famula sua, occisæ. Et ipse *Willielmus* inde, *Stephanum de Caldecot*, et *Augnetem* sororem ejus, et *Willielmum de Insula*, et *Walwinum de Roinges*, qui in prisiona sunt, appellavit. Et idem appellavit inde *Gaufridum Scrop*, et *Adam* qui fugitivi sunt. *Willielmus* venit et appellat prædictos *Stephanum* et *Augnetem* et *Willielmum*, quod in pace Regis, et de nocte et nequiter, occiderunt uxorem ejus et famulam, et eum ligaverunt et esgargataverunt, et domum ejus fregerunt, et catalla sua furtim asportaverunt; et hoc offert probare per considerationem curiæ sicut homo maimatus. Ipsi totum defendunt. Consideratum est quod *Stephanus* et *Willielmus* purgent se, igne, quia elegerunt adferre judicium; et *Agnes* comburatur, quia convicta est. Et ipse *Willielmus Algar* relaxavit *Walwinum*. Et milites jurati non malecredunt eum. *Agnes* pregnans est, et custodiatur, donec pepererit; et postea comburatur. (Placita Coronæ, apud Stratford, 10 Ric. I. m. 8.)

The Jurors testify that Willielmus Algar was wounded, and his wife and servant killed by certain Defendants whom they name.

Algar appears in Court and prefers his appeal against them, and being a maimed man, he offers to prove the same by the judgment of the Court.

Three of the Defendants deny the wrong. *Stephanus de Caldecote* and *Willielmus de Insula* are adjudged to bear the hot iron. *Agnes de Caldecote* being "convicted," is sentenced to be burnt, but being pregnant, execution is respite until after her delivery. The Plaintiff releases his appeal against another Defendant, who is discharged, as the Knights of the Jury do not suspect him.

(12.)

Goditha quæ fuit uxor *Walteri Palmeri* appellat *Ricardum de Stenhale* quod ipse in pace domini Regis, et nequiter, de nocte, cum vi sua venit in domum suam, et ipsam et virum suum ligavit; et postea *Walterum* virum suum interfecit; et hoc offert probare versus eum, sicut sponsa sua, prout curia consideraverit; et ipse totum defendit de verbo in verbum, prout curia consideraverit. Et juratores et totum visnetum malecredunt eum de morte illâ: et ideo consideratum est quod ipse purget se per judicium ferri, quia ipse elegit portare ferrum. (Rot. It. Staff. 5 Joh.)

An appeal of murder brought by a widow, being confirmed by the malecredence of the Jury, &c. the Defendant is adjudged to bear the hot iron.

(13.)

Quædam *Elena* malecreditur a juratoribus quod ipsa fuit ubi *Reinalda de Hencherche* occisa fuit, et quia per ejus auxilium et consensum occisa fuit; et ipsa defendit, et ideo purget se per judicium ferri. Sed quia infirmatur, ponitur in respectum quousque convaluerit. (Rot. It. Staff. 5 Joh.)

The Jurors state that the Defendant was present when a murder was committed, and that the murder was so committed with her assistance and consent. She is adjudged to bear the hot iron.

(14.)

Andreas de Bureweston malecreditur a juratoribus de morte cujusdam *Hervici*, eo quod subtraxit se pro morte illâ, et ideo purget se per judicium aquæ. (Rot. It. Staff. 5 Joh.)

The Jurors present a Defendant as guilty of a murder, grounding their suspicion upon his flight. He is adjudged to the water ordeal.

A Defendant presented as guilty of theft and burglary by the Jurors of the Hundred, and by the four next Townships, adjudged to the water ordeal.

(15.)
De Hundredo de *Pirkull* isti sunt.

Henricus de Ravenesne est captus et malecreditus a juratoribus et quatuor villatis proximis juratis, de latrocinio et burgleria; purget se per aquam. (Rot. It. Stafford. 5 John.)

Hugh the Fuller being arrested as an accessory to a murder, gives certain chattels to the King, as the price of an inquest.

The Jurors testify that he is not guilty.

(16.)
Willielmus Pepin occidit *Johannem Guldeneman*, et fugit; nulla habuit catalla; interrogetur—et *Hugo Fullo* captus fuit pro morte illâ et in gaolâ positus. Et quia prædictus *Johannes* occisus fuit in domo suâ, idem *Hugo* dat domino Regi catalla sua, quæ capta fuerunt cùm eo, pro habendâ inquisitione utrum ipse inde esset culpabilis necne.

Juratores dicunt quod non est inde culpabilis, et ideo eat quietus. (Rot. Itin. Salop, 5 Joh.)

Robert, the son of Robert de Ferrariis, brings his appeal against Ranulph de Tattsworth, for that the Appellee assaulted and wounded Roger, the man of the said Robert. The Appellee or Defendant offers a Mark to the King, to be allowed to put himself upon the testimony of a Jury or Inquest of Knights—pleading also, that no appeal had been brought against him by Roger. The Jurors state the facts, and declare that they bear no suspicion against the Appellee.

(17.)
Robertus filius *Roberti de Ferrariis* appellat *Ranulfum de Tattsworth*, quod ipse venit in gardinum suum, in pace domini Regis, et nequiter assultavit *Rogerum* hominem suum, et eum verberavit et vulneravit, ita quod de vitâ ejus desperabatur; et ei robavit unum pallium et gladium et arcum et sagittas; et idem *Rogerus* offert hoc probare per corpus suum, prout curia consideraverit; et *Ranulphus* venit et defendit totum de verbo in verbum, et offert domino Regi unam marcam argenti pro habendâ inquisitione per legales milites, utrum culpabilis sit inde, necne: et prætereà dicit quod iste *Rogerus* nunquam ante appellavit eum, et petit ut hoc ei allocetur,—oblatio recipitur.—Juratores dicunt quod revera contencio fuit inter gardinarium prædicti *Roberti*, *Osmund* nomine, et quosdam garciones, sed *Ranulfus* non fuit ibi nec malecredunt eum, de aliquâ roberiâ, vel de aliquo malo, facto eidem. (Rot. It. Staff. 9 Joh.)

A Defendant accused of theft, offers one Mark to the King to have a "good inquest." A Jury of twenty-four men of the Hundreds returned, who testify that he is not guilty.

(18.)
De Hundredo de *Munsselawe*.
Coleman de Luddelawe rectatus de latrocinio: venit et defendit latrocinium et totum, et de bono et malo ponit se super patriam, et offert domino Regi unam marcam pro habendâ bonâ inquisitione, per plegios *Galfridi Andreu de Luddelawe* et *Willielmi de Radenour* de eadem. Et duodecim juratores istius hundredi et duodecim juratores hundredi de *Luddelawe* dicunt super sacramentum suum, quod non est culpabilis, ideo inde quietus. (Rot. It. Salop. 15 Hen. III.)

Verdict given by the twelve Jurors of the Hundred, and the four nearest Tythings.

(19.)
Hundredum de *Ermonton*, venit per duodecim.—*Ricardus le Giu* rectatus de latrocinio, venit et defendit latrocinium et totum, &c. et ponit se super patriam de bono et malo. Et duodecim juratores, et quatuor *Thedingi* propinquiore dicunt super sacramentum suum, quod prædictus *Ricardus* non est culpabilis de aliquo malefacto, ideo inde quietus. (Rot. It. Devon. 33 Hen. III.)

(19.)

Wapentak de *Leylaundsyre* per duodecim.—*Mabilia de Perbold* appellavit in comitatu *Adam Dun*, quod ipse in felonia, et contra pacem Domini Regis occidit *Albinum* virum suum. Eadem *Mabilia* appellavit in comitatu *Gilbertum Nite*, de morte *Ricardi* filii sui. Et *Mabilia* modo non venit; et fuit attachiata per *Ricardum* filium *Roberti de Wallemore* et *Machinum de Cuton*. Ideo ipsa capiatur. Et plegii sui de prosecucione in misericordiâ.

Mabilia de Perbold brings her appeal against certain persons for the death of her husband and sons.

Eadem appellavit de vi, *Robertum de Crumton*, *Willielmum de Querendon*, *Robertum de Bracington*, et *Benedictum de Medecroft*, quod ipsi fuerunt in vi et auxilio ejusdem occisionis, qui omnes modo veniunt, et alias capti fuerunt et imprisonati apud *Lancastriam* pro prædictâ morte. Et super hoc mandavit Dominus Rex per breve suum, quod accepit per inquisitionem factam, quod prædicti *Adam*, *Robertus*, et alii, interfecerunt prædictos *Albinum* et *Ricardum* pro latrocinio, unde intercepti fuerunt et non per feloniam; et quod committerentur duodecim legalibus hominibus qui eos manucaperent habendi ipsos coram justiciariis ad primam assisam, &c. Et duodecim juratores dicunt quod prædicti *Albinus* et *Ricardus* fuerunt latrones de bobus et vaccis, et cum latrocinio capti unde fuerunt in seisina; et ideo fuerunt decollati. Et prædicti juratores requisiti si de aliquo malecredunt prædictos *Adam* et alios, dicunt quod non malecredunt ipsos de aliquo malefacto. (Rot. It. Lanc. 31 Hen. III.)

The Appellees are let out upon manucaption, pursuant to the King's writ—such writ being grounded upon an inquisition virtually declaring them innocent.

Twelve Jurors declare that the persons killed were beheaded by the Defendants as thieves, they having been taken in *flagrante delicto*—(p. 210.) &c.

(20.)

Willielmus Powe de Herteshorne captus pro suspicione latrocinii, venit et defendit latrocinium et totum, et dixit quod hoc crimen ei impositum fuit per villam de *Barton*, eo quod eadem villa odio habuit ipsum, et offert Domino Regi quindecim marcas pro habendâ inquisitione per juratores comitatûs et per omnes villas propinquiores, excepta villa de *Barton*, et recepti sunt per plegios *Gilberti filii Ormi*, *Ricardi de Salesergle*, *Eliæ filii Simonis*, *Roberti filii Eliæ* et *Willielmi filii Thomæ*. Et juratores istius comitatus et omnes villæ propinquiores, præter prædictam villam de *Barton*, dicunt super sacramentum suum quod prædictus *Willielmus* in nullo est culpabilis de aliquo malefacto: ideo quietus. Et quia suspicio de eo habetur per prædictam villam, ideo remaneat sub eadem plevina, quod erit fidelis. (Rot. It. Westmoreland, 40 Hen. III.)

William Pow accused of theft, alleges that he is falsely accused by the Township of Barton. And he offers a fine of fifteen Marks, that the fact may be inquired into by the Jurors of the County, and by the nearest Townships, Barton excepted.

The Jurors of the County, and of the nearest Townships (Barton being excepted), declare that they do not suspect him. But on account of the suspicion of that one Township, it is adjudged that he shall continue under security for his good behaviour.

(21.)

Willielmus filius *Matildæ* captus fuit et imprisonatus apud *Gloucestriam* pro morte *Willielmi Blund*, quem ipse occidit: et *Nicholaus de Ecelesiâ*, *Johannes filius Melisent*, *Walterus de Havena*, *Walterus Faber*, et *Ricardus de Herdeshelt*, et plures alii, qui interfuerunt quando ipse occisus fuit, testati sunt quod ipsi viderunt, ubi ipse occidit eum, et quod ipsi statim super factum ceperunt eum, adhuc tenentem in manu sua baculum, unde ipse eum occidit; et præterea quatuor villatæ propinquiores, hoc idem testantur et præter . . . et *Dionisia* uxor ipsius *Willielmi Blund* appellavit eum de morte prædictâ,

Certain witnesses appear in Court, and testify that they were present when the Prisoner committed the murder.

The four nearest townships testify to the same effect. And the Jurors of the Hundred declare that he is guilty.

The prisoner offers to plead "not guilty," but inasmuch as he was taken in the fact, and it is declared unanimously, and without a dissentient voice that he is guilty, it is adjudged that he is not entitled to any further trial. Judgment given accordingly.

John le Brasur is found in company with a thief, who is convicted and hanged.

He puts himself upon the country, and the four Townships declare that they do not suspect him, nor can any thing be alleged against him, except that he was found in company with the thief; yet as he cannot find pledges for his good behaviour, he abjures the kingdom.

The seneschal of Robert Fitz-Roger is presented by the Township, for a misdemeanour, in amercing the men thereof according to his will, and not by the judgment of their peers.

He puts himself upon the Jury of the Township, who, being re-examined as an Inquest, find that he has amerced them according to the ancient custom, to wit, by the assessment of the Reeve and the Hayward, and he is therefore acquitted. The Jurors are amerced, because their verdict contradicts their presentment.

ut de visu suo; et præterea duodecim juratores dicunt quod ipse est inde culpabilis. Et ipse defendit totum versus omnes—Sed quia ipse captus fuit super factum, tenens adhuc in manu suâ baculum unde ipse occidit eum, et omnes dicunt unâ voce quod ipse est inde culpabilis: consideratum est quod ipse non potest defendere, et ideo suspendatur. (Rot. It. Glouc. 5 Hen. III.)

(22.)

Hundredum de *Heyngford*, respondit per duodecim.—*Johannes le Brascur* captus fuit in societate *Martini Fikeboc* cum quodam equo *Ricardi Batayle*, furato. Et *Martinus* suspensus fuit, pro latrocinio. Et *Johannes* venit et defendit latrocinium et omnem feloniam, et ponit se super patriam de bono et malo. Et quatuor villatæ propinquiores dicunt super sacramentum suum quod nunquam viderunt nec sciverunt ipsum esse de societate ipsius *Martini* nisi postquam prædictus *Martinus* captus fuit, neque malecredunt ipsum de aliquo malefacto, nisi quod fuit cum *Martino* quando captus fuit. Et quia non potuit invenire plegios, petit licenciam quod possit abjurare regnum.—Abjuravit.—Et elegit portum de *Doverio*, et datus est ei dies, quando evacuerit regnum, infra octo dies. (Rot. It. Essex, 19 Hen. III.)

(23.)

Villa de *Roubyry* venit per duodecim juratores. Juratores præsentant quod *Johannes de Brigham* Senescallus *Roberti* filii *Rogeri* apud *Roubyry* de consuetudine amerciat tenentes prædicti *Roberti* in curiâ de *Roubyry* pro voluntate suâ, et non secundum quantitatem delicti, nec per pares suos, &c. Et *Johannes* modo venit, et dicit quod ipse nunquam amerciavit tenentes prædicti manerii nisi secundum consuetudinem antiquitus usitatum in prædicto manerio, tempore quo non extat memoria, et hoc per pares suos. Et de hoc ponit se super prædictos juratores prædictæ villæ. Et juratores dicunt quod prædictus *Johannes* non amerciavit tenentes prædicti manerii, nisi secundum antiquam consuetudinem prædicti manerii, videlicet per præpositum et mes-sarium sicut fieri consuevit; ideò prædictus *Johannes* inde quietus. Et prædicti duodecim juratores sint in misericordiâ, quia contrarium præsentaverint in veredicto suo. (Rot. It. Northumb. 21 Hen. III.)

PEINE FORTE ET DURE.

FLETA and Bracton describe the "Penance" in such terms as to (See p. 270.) shew that, according to the opinion of these writers, the punishment, though hard indeed, was not considered as necessarily occasioning the death of the Offender. Such was the law, and Andrew Horne does not hesitate to accuse those of homicide, who kill the prisoner by "surcharge of penance." About the same period, however, the chroniclers do record the fate of many Criminals who perished under the infliction; and we can only ascribe this increase of punishment to the discretion assumed by the Judges. They not only aggravated the "penance," but extended it beyond the purview of the statute, which speaks only of indictments—for it was universally applied also to appeals, of which no mention is made. Coke defends the legality of the infliction by the theory, that the punishment existed at common law⁸⁵; but at all events no authority can be shewn, that the "common law, which," as he considerately says upon *this* occasion, "*is the absolute perfection of all reason,*" sanctioned the additional severities inflicted by the tribunal⁸⁶.

Peine forte et dure,—
extended by the judges
to appeals, though the
statute speaks only of
indictments.

⁸⁵ 2 Inst. p. 178.

⁸⁶ Gascoigne (the well-known Chief Justice) par advis de tous les justices, agard, que ils fueront mis a penance, et command al marshal pour eux mettre en diverses bases measons estoppés; et que ils gisent sur la terre tous nudes, forsque lour braces; et que il metteroit sur chescun de eux altant de fer et pois, come ils puissent porter, et puis, issint que ils ne puissent lever, et que ils ne averont nul mangier ne boire, si non le puis pier pain que purrait estre trové, et de l'ewe plus prochain al huis del gaole, sauve ewe current, et que le jour que ils eient pain que ils n'eient l'ewe, et e contra—*et que ils gisent issint, tanque ils fueront morts. Et fuit dit que le contrarie avera estre fait avant ces heures.* (Mich. 8. Hen. VI. i.) Thus it appears from the concluding phrase, that some held that the punishment was not continued till the death of the offender.—In a subsequent case, the judges settled the "penance" after a private consultation.—Il serra mis en une chambre, et la serra nud, saunz ascun litter, on sirplis ou ascuns draps ou autre chose, mes solement la nude terre, et que puis il serra nude couchant sur son dorce, nude saunz ascun garnish circa luy, ayant une chose le quel recovers

Some countenance to the common law theory of the "penance" is afforded by the Norman practice, which, as appears from the Custumal (p. cxcii), condemned the Appellee, if he would not put himself upon an inquest, to lie in prison for a year and a day. Little meat and little drink was he to have during his confinement; but these directions do not imply that he was to be actually starved to death.

Barrington's supposition, that the judges adopted the plan of pressing, or compressing the criminal, in order to enable them to leave the assize town as soon as possible, as they would otherwise have been compelled to wait, till he was dispatched by starvation.

Practice introduced about the reign of Elizabeth of placing such heavy weights upon the criminal as killed him in a tolerably short time.

Barrington supposes, that the alteration in the original sentence by the different tortures afterwards used, arose from the anxiety of the Justices of gaol delivery to leave the assize town as soon as they could; and that this was the reason which induced them to adopt a less tedious mode of dispatching the Offender. Coke does not mention the further alteration in practice which prevailed in his time. The Criminal was loaded with so great a weight, that he was more speedily delivered from his sufferings, though not without undergoing great agony under the press, which crushed his miserable body⁸⁷.

son membre, et que son teste soit vesté, et les pies vesté, et que l'un brache soit traie a l'un quarter del chambre ove une corde, et l'autre brache a l'autre quarter, &c. Et que l'un peé soit traie a l'un quarter del chambre et l'autre peé a l'autre quarter, et que sur son corps soit mis une peece de ferre tant come il poit suffrir et porter suir lui et pluis; et le primer jour il avera pain fait de barley trois morcellis saunz ascun boyer, et le second jour il boyera trois foits, tant si come il poit d'ewe que est prochein a le huis del prison, except ewe que est current, saunz ascun pain, et cel serra son diet tanque il soit mort. (Trin. 15 Ed. IV. No. 17.)

⁸⁷ "Such fellows as stand mute and speak not at their arraignment, are pressed to death by huge weights upon a board, that lieth over the breast, and a sharp stone under their backs; and these commonly hold their peace, thereby to save their goods unto their wives and children, which if they were attainted, should be confiscated to the prince." (Harrison's England, Book II. c. 11.) The simple and affecting narrative of the death of Margaret Middleton, (Lingard's England, Vol. VIII. p. 345,) shews that this execution was attended with fearful horror. When Major Strangeways was pressed in Newgate in 1659, he was prohibited the usual "*favour in that kind* to have a sharp piece of timber laid under his back," by which his death would have been accelerated. (Harl. Misc. Vol. IV.) This unfortunate man was attended by his friends, who, at his urgent request, cast the weights upon the engine of torture. The Press-yard of Newgate probably derived its name from these executions.

The tender mercies of cruelty introduced an agreeable variation of torture. It became the custom at the Old Bailey to tie the thumbs of the Prisoner together with whipcord, till they were cut to the bone. In Keelyng's Reports, this is said to have been the constant practice at Newgate⁸⁸, and, like the main punishment, continued in use, until standing mute was rendered equivalent to the confession of the Felon.

Old Bailey practice.—
The thumbs of an obstinate prisoner tied together with whipcord, until the torture compelled him to plead.

It is a singular proof of the want of attention to any general principles of legislation, that a custom, equally foolish and barbarous, should have continued so long unaltered. And the subject is one, amongst others, which shews that the English law, "the absolute perfection of all reason," must forfeit many of the encomiums of humanity, which have so long passed current amongst us.

⁸⁸ Newgate Sessions, 14th Oct. 14 Car. II. George Thoreby being indicted for robbery, refused to plead, and his two thumbs were tied together with whipcord, that the pain might compel him to plead, and he was sent away so tied, and a minister appointed to go to him to persuade him, and an hour after he was brought again, and pleaded. (Keelyng, p. 27.)

"It appears by the Sessions Papers," says Barrington (p. 82), "that this was practised at the Old Bailey, in the reign of Queen Anne. In 1714 a prisoner's thumbs were thus tied at the same place, who then pleaded. And, in January 1720, Wm. Spiggot submitted in the same manner, after his thumbs had been tied *as usual*; and his accomplice, Phillips, was absolutely pressed for a considerable time, till he begged to stand his trial. In April, 1721, Mary Andrews continued so obstinate, that three whipcords were broken before she would plead. In December, 1721, Nathanael Hawes suffered in the same manner, by tying his thumbs, after which he continued some minutes under the Press, with 250 lbs. and then submitted. John Durant was also obliged to plead, by tying his thumbs together very tight during the mayoralty of Sir William Billers, in the year 1734."

NORMAN JURIES.

Juries according to the Law of Normandy (see p. 245.)

IN the printed text of the Grand Coustumier, the word "Enquete" is substituted for "Jureé," and there are some other variations of language. The separate examination of the Witnesses distinguishes this ancient proceeding from the more modern "Enquete," in which the witnesses appeared in a body or "tourbe," and gave their joint evidence.

In Brittany, at an early period, judgments were given by the Scabini, upon the evidence of the Twelve witnesses who were first examined, and afterwards sworn, and this took place in the "Mallum," before the Missus of Nominœ, King or Duke of the Bretons (2); the whole process of the Carlovingian jurisprudence was forced upon this Celtic people.

If any doubt could exist as to the origin of the English Jury, the language and tenor of the Norman Custumal would be more than sufficient to remove all hesitation.

Appeal, or suit of murder, not to be brought, until there are certain indications of the crime.

Persons accused by common fame to be arrested by the officers of justice, and kept in prison upon slender diet for a year and a day, until they submit to an inquest of the country, (p. cxc.)

Inquest men, such as are supposed to know the truth, to be suddenly summoned..... and to be separately examined before four knights.

Four-and-twenty jurors.

L'om doit savoir qe nus ne puet sieurre de murdre, devant qe certainnes ensaingnes ensoient trouveés du murdre.

Se nus n'est qi face sieute ou clamor de murdre, se aucuns en est blasmez comunelment, il doit estre aresteez par la Justise jusqu' a ung an et ung jour, a poi de mangier et de boivre, se il n' offre dedens ce, a soustenir l' enquete du pais.

Et se il la veut soustenir, la Justise se doit porveoir, qe cil de qi il qidera qi en sachent la verité de cel murdre, de quel lieu qu' il soient, vengnent par devant lui soudenement et desporveurement, et sans savoir pourquoi; ce est si, qe li ami a celui qi est en prison ne les corrompent ou par proiere ou par louier.

Si doit l'om apeler chascun par soi, par devant quatre chevaliers qi ne soient pas soupçonnels, et enquerre lor diligement se cil qi est en prison feist cel murdre; et quant l' om aura oi lor dis, et mis en escript, cil qi est emprison doit estre amenez devant els. Et li doit l' om demander se il en veut nul seonner, et se il met soufisant seon sus, aucun chose qe il die ne doit estre a riens conteé. Mez si le seon qe il met sus, li n' est soufisant, ce qe il dira sera receu ove les autres.

Tel jureé doit estre faite par vint quatre hommez loiax, et ne mie soupçonnex, qe amour ne haingne ne doit oster de la jurée: et la semonse doit estre faite par feel serjant, qi ne soit corrompus, ne par proiere, ne par louier, ne par amour, ne par

haigne, qe il semoingne les plus prodes hommez qe il purra trouver, es liex ou le meffet fu fet, et cex qi en sachent la verité.

La jurée doit estre soustenue de larrecin ou de roberie. Loiax jureourz doivent estre semons de la ou cil qi est accusé a conversé, et de la ou l'en dit qe il fist le larrecin, et qe l'om croit qi sachent la verité de ses fez, et de sa vie; et doivent estre si soudement amenés devant la justice, qe les amis a celui qi est en prison ne les corrompent, si comme nous avoms dit.

In case of theft or robbery, jurors to be summoned, in like manner, from the spot where the criminal lived, and cognisant of the fact.

Li baillif les doit prendre segreement par devant quatre chevalers, e demander a chascun par soi, ce qe il set de la vie et des fes a celui qi est accusez, et ce qe i en croient.

Quant il aura oi chascun par soi, cil qi est accusez doit estre amenez devant els, et li doit l'om demander se il en velt nul seoner; se il met souffisant seon sus, aucun chose qe cil die, ne li doit puis nuire.

After they have been severally examined they are to be confronted with the accused, who may challenge any one of them, and if his challenge is allowed, the testimony of such juror is to be rejected.

Lors doivent li jureorz estre apelez en commun, et ce qe il auront dit, doit estre recordé de par la Justise a celui qi est accuse, et il doivent reconnoistre qe ainssi ont il juré; et sus ce doit maintenant li jugement estre fet, et ce qi sera jugié doit estre acompli sans delai; et ce qe li vint diront, soit gardé.

Twenty must concur in the verdict. General description of jurors.

L'om doit savoir qe cil sont apelés *jureours*, qui par le serement qe il font en cort, sont tenus a dire verité des querelez, selonc ce qe il lor sera encharcié par le baillif, ou par celui qi sera en son lieu. Quant contens doit estre finez par serement de jureours, *il convient qu'il sachent les circonstances des contens*; si comme des personnes entre qi li contens est, et le lieu, et la cause et la manere.

They are to attend to the circumstances of the matters at issue, and to be acquainted with the persons of the parties. Causes of challenge.

Li anemi, ne li especial ami, ne li cousin a l'un ne a l'autre, ne nus de qi l'om puisse par certaine raison avoir soupeçon d'amour ou le lingnage, ou de haigne, ne doivent pas estre recheu au serement. Ne cil qi sont parçonner de la querele, ne cil par qi elle est mené et deffendue; ne cil qi n'est ne prochain ne voisin de la chose de quoi contens est; et cil qi n'est du tens ne du lieu qi en puissent riens savoir, doivent estre ostez du serement; et cil qi sunt repris de parjure et de faux tesmoing porter.

Et pour ce, doit l'om semondre as jurées, les plus prodes hommes et les plus prochains, et cels de qi l'on croit qi en sachent la verité, et qi ne soient soupeçonnels a l'une partie ne a l'autre. Autresi doit l'om faire de cels qi sont communalment blasmé de larrecin d'omicide, ou d'aucun autre crime de quoi il n'est qi les sieue.

Du meffet qi a este fet a ceus qe l'om apele, ne puet enqueste estre faite, fors par l'aisens a l'une partie et a l'autre.

Plusorz se seulent accorder, qe se ung homme apele ung autre a mort, et cil qi est apelez veut soustenir l'enqueste du pais, en la forme qe nous avons dite, il la doit avoir, et se il est atains par l'enqueste, il doit estre dampnez: et se l'enqueste le sauve, si soit delivrez, et se il est mis en non-savoir, l'apeleour puet revenir a la bataille, a ce seulent plusors acorder pur abatre les fauces plaintes, ja soit ce, qe plusorz ne veulent pas.

Opinion, given with some degree of uncertainty, as to the right of an Appellee to demand an inquest.

(2.)

Mallum held before the
Missus of Nominoe,
Duke of Brittany.

Conwoion, abbot of
Rieux, accompanied by
Comdelu (Cyndylan)
his præpositus appears
and demands certain
lands against one Fet-
mer.

Testimony given by
twelve free Bretons,
who are sworn to the
truth.

Judgment by the Eche-
vins.

Notitia in quorum præsentia qui subter tenentur, quomodo venerunt monachi, *Conwoion* abbas et *Comdelu* præpositus, in Mallo publico ante Missum *Nominoe*, nomine *Drewalon*, interpellantes *Fetmer* propter campum illorum, nomine *Cam-dou-pont*, quem habebat raptum, et malo ordine exaratum atque seminatum. Et venerunt in ratione, et non dedit *Fetmer* fidejussores, testificantibus omnibus quod inique et mendaciter egisset *Fetmer* rapere ipsam terram. Et testificaverunt duodecim viri franci, hi sunt, *Hobrit*, *Vurwal*, *Burg*, *Antrival*, *Omni*, *Gurgot*, *Vinwocon*, *Tutwallon*, *Roenheber*, *Fitber*, *Yarnwant*, *Risbart*, quod plus esset, et supradicta terra ex tigranno *Acun* in *Langon* qui ad *Conwenran* *Fitmer*; atque juraverunt in altare *S. Petri* quod sic esset verum. Et judicaverunt Scavini quod digni erant supradicti viri ad testificandum et jurandum. Hi sunt Scavini, *Branoc*, *Jiarnan*, *Arthuvin*, *Catlowen*, *Wowcar*, *Benedic*, *Wathin*. (Lobineau, Hist. de Bretagne, vol. ii. p. 74.)

From the Cartulary of Redon. There are marked peculiarities in the barbarisms of the Latin employed by the Cymri; and the Breton charters are exactly in the tone and style of the narrative grants contained in the Liber Landavensis. *Nominoe* is said to have been appointed Duke of Brittany, or rather of the Bretons, by Louis le Debonnaire, 824. He died in 851, and was succeeded by his son *Erispoe*.

ICELANDIC COURTS.

ICELAND was colonized by the Norwegians before they received Christianity, and the Civil constitution continued, in great measure, free from those innovations introduced in consequence of the increasing prerogatives of the Monarch in the Mother country. It may therefore be concluded, that the usages retained in this remote Island, almost beyond the verge of the habitable world, exhibit the principles of Gothic jurisprudence and legislation in the purest form. The connexion between the religion and the policy of the Icelanders is very remarkable. Priests and Magistrates, whilst the Islanders retained their ancient faith, afterwards, Hereditary Magistrates, the "Godordsmen," were the principal Functionaries in the territorial courts, which formed the basis of the commonwealth. The Herred, or Hundred in Iceland, is stated to have contained three Godords, and the three Priests united together constituted the magistracy by which it was governed. Each Godordsman chose, or elected twelve Doomsmen, by whom the bench was filled, just as the Priests of the Eresburgh named the Free Echevins of the Field Court of Corbey. This Court was called the Varthing, or Spring Court, from the time of its assembling.

Each Quarter of the island contained nine ancient Godords; and in the Fierding, or Quarter Court, each Godordsman was attended by one Doomsman of his nomination. When, in after times, the Godord became divided by descent or alienation, still only one Suitor attended on its behalf, who was named conjointly by the owners. The idea of the indivisibility of the political unit was always retained in England. Whatever number of manors arose within the township, still the township was only *one* in the eye of the law. In the Fierding Court were decided all causes which had not been settled in the court below, or when an appeal was made from its authority.

Ancient courts of the Northmen, (pp. 115, 116.)

Godordsmen, priests, and magistrates, in the Pagan age, hereditary and territorial magistrates, in the subsequent periods.

Herred, or Hundred Courts, also called the Var-thing, or Spring Courts.

Doomsman named by the Godordsmen, just as the priests of the Eresburgh are said to have appointed the Echevins of the Free-field Court of Corbey.

Fierding, or Quarter Courts.

Fimtardom, or supreme judicial court, in cases of ordinary jurisdiction, the "Laugrette," (p. 115,) being the supreme political court, having also an extraordinary jurisdiction.

Causes decided in this court, by a select body of doomsmen. Six chosen by the plaintiff, and six by the defendant.

The Quarter, or Fierding Courts, were subordinate in due course to the Fimtardom, the last court of resort in cases of ordinary jurisdiction; composed of nine Doomsmen, from every Fierding, or thirty-six for the whole land. A fourth bench, or branch, resulted from the nomination, or election of the Lords of the new "Godords" which had been created by the partition of the ancient districts. This species of representation must, from its nature, have been engrafted upon the older constitution; and it is the more remarkable, because the Godordsmen themselves are not expressly noticed as forming a part of the assembly. But when a cause was to be decided by the "Thing," it was referred to a select Body. Six Doomsmen were chosen by the Plaintiff, and six by the Defendant. These were to rise, and, separating themselves from the other Doomsmen, they took their station in the midst of the circle; and their judgment was final and decisive. More regularly defined and reduced into system than our Anglo-Saxon jurisprudence, these proceedings throw great light upon the course occasionally adopted in the Hundreds, when a select body was named by, and out of the members of the court, acting as a tribunal within a tribunal, and who, when an oath was more constantly imposed upon them, became the Jurors of the Hundred, or of the Shire⁸⁹.

⁸⁹ From Arnesen's "Islandske Rettergang."

CHANCELLORS, &c. OF THE FRANKISH MONARCHS.

It appears to be the better opinion, that according to the establishment of the Frankish Monarchs, the Arch-Chaplain and the Chancellor are to be identified⁹⁰. Originally, the "Referendarius" was the keeper of the royal signet ring. And this officer was so usually invested with the office of Chancellor, that the titles were used indiscriminately. The practice of preserving writs or rescripts, "brevia," as they were even then called, in the Chapel, is noticed in the proceedings of the Council of Frankfort, A.D. 794. In Scotland, whose law is always the faithful mirror of antiquity, the Chancery was called by the name of the King's Chapel⁹¹, and the phrase is substantially retained to the present day. And in Scotland, also, we find the possession of the Chapel-clerkships leading to the episcopal office, just as in our own ancient history.

Chancellors and Referendarii of the Frankish monarchs, (see p. 177.)

Besides the examples of these convenient promotions of Royal Chaplains, which I have noticed in my text, I may add the instances of Walkeline of Winchester, and Thomas of York, who received their Sees from the Conqueror. And, in the following reign, Flambard and Losenga, Ralph Lulla, and Johannes

[(P. 176.)

⁹⁰ Quin et par est credere non olim duntaxat, et prima stante regum nostrorum stirpe, sed etiam sub tertiâ, Capellanos seu Archicapellanos, et Cancellarios eodem functos munere, ita ut qui regum diplomata subscribebant, promiscue, Archicapellanos et Cancellarios, crebro sese inscriberent. (Du Cange, II. 227). Hincmar, in his very curious Epistle "de ordine palatii," certainly distinguishes the officers; but this seems to have been a temporary separation: for the lists published by Du Cange shew that scarcely any instance can be found in which they are not united.—Aprocrisarius autem, quem nostrates, Capellanum vel Capelli custodem, appellant, omnem Clerum palatii sub cura et dispositione sua regebat. Cui sociabatur summus Cancellarius, qui, a secretis, olim appellabatur; erantque illi subjecti prudentes et intelligentes ac fideles viri, qui præcepta regia absque immoderata cupiditatis venalitate scriberent, et secreta illius fideliter custodirent. (Hincmar, ut supra, 17.)

⁹¹ Thus saith Skeene (Quon. Attach. c. 53.) Gif the breeve is impetrat, and raised according to the form of the King's Chapell, the assize sall proceed.

Medicus, all being the king's chaplains, and the king's friends, received the best preferments of England⁹².—The history of the Chancery must be reserved for another part of this work; and it will be then seen how effectually the King's Clerks worked and laboured in the great task of establishing the law, and in directing the course of jurisprudence; they being placed at the fountain head of the stream.

⁹² Ord. Vit. 516, 764.

⁹² Thus says Skene (Quon. Attach. c. 53.) On the piece is impetral, and raised according to the form of the King's Chapel, the rest will proceed.

intelligentes no fides vii, qui principia regis abque immoderata cupiditate Cancellarius, per a secretis, olim appellabatur; et tunc illi subjecti prudentes et Clorum patiti sub eorum et dispositione sua regeret. Cui sociabatur autem crastinus autem, quoniam nostras, Capellanus vel Capelli custodem, appellatum, omnem que sciret any instance can be found in which they are not united.—Apro- seems to have been a temporary separation: for the list published by Du Cange shows very curious epistole "de ordine palatii," certainly distinguishes the officers; but this et Cancellarius, crebro esse in scriptis. (Du Cange, II. 227.) Hincman, in his luntis manere, in de dei regem dignitate subscibendum, promiscue, Archicapellanos etiam sub scriptis, Capellanos vel Archicapellanos, et Cancellarios eodem tempore, et per et omnes non solum duntaxat, et prima statu regum necessarium

ANCIENT STATE OF THE BRITONS.

THE wild freedom of the Celtic tribes has always been represented with extreme bitterness by their more polished neighbours; and we may almost suspect, that the "Sassenach" at those periods, when they were reduced into decent order, secretly envied the happy license of the savage community. Archbishop Peckham's letter affords a valuable, though not an impartial, portrait of the Welsh at the time of the English conquest. The rude barbarity which he reprobates, plainly resulted from their unchanged adherence to the customs of their ancestors. No better praise could perhaps have been claimed by the Britons. As a political measure, Peckham's recommendation that the Welsh should be brought together in towns, was wise and expedient; and the Boroughs founded and incorporated by Edw. I. seem to owe their origin to this advice. The Archbishop's etymology of the name of the Burgundians, is grounded upon a passage in Orosius; which, however, is somewhat embellished by the prelate's ingenuity.

Ancient state of the Britons.
Archbishop Peckham's Letter to Edw. I. A.D. 1284 (see p. 76.)

Anno Domini, M^o. CC^o. octag. quarto.

A tres honorable Prince e Seygnur *Edward*, Deu grace, Rey de Engleterre, Seygnur de Irlande e Duc d'Aquitaine—Frere *Jan* par la suffrance de Dieu, Prestre de *Canterbyre*, Primat de tut Engleterre, saluz en graunt reverence.

Sire,—Il me semble qe li poeple de *Gales* est trop sauvages e malicius durement, quaut a plusurs, e pou sachant de ben, e une gent perdue saunz profit au monde. E si il vus plect, vus i poez mettre conseil legierement en ceste manere, si l'en ne troeve meillur. Primerement Sire, lur savagine, ove autre maus, surt mut de ço ke il ne habitent pas ensemble; eins meint chescun loinz de autre. E pur ço Sire, si vus volez, ke l'en les puist enfurmer, sulum Dieu et sulum le monde, e oster lur savagine, comaundez ke il meynent ensemble en villes. Issi le fist uns Empereres aunciement as *Burgoynniuns*, qui esteient larruns e murderieres, e habitoyent tuz severez e loinz cheskun d'autre, kar il les fist enssembler e habiter en burgs; e de ço sunt il apelés, *Burgoynniuns*⁹³. Ovek ço Sire, la malice des *Galeys* surt mut de leur oysufté, kar il

⁹³ Hos quondam subactâ interiori Germaniâ à Tiberio et Drusone, per castra dispositos, aiunt in magnam coaluisse gentem : atque ita nomen ex opere præsumpsisse, quia crebra per limitem habitacula constituta, Burgos, vocant. (Orosius, lib. 7, c. 19.)

sunt oysus, e pur ço pensent il tute malices. E pur ço, Sire, comaundez ke cheskun segun sun estate face chaskun jur aukune chose, issi ke l'en sache dunt chascun ad sun vivre. E jo ay comaundé d'autre part ke l'en sustreie les sacramenz de Seynte Eglise as oysus: pur ço ke nul n'est en estat de salu qui aukun profit ne fet au monde. E pur ço, Sire, pur Dieu, la manere de vivre de *Wysshambighan*⁹⁴ comaundez oster de tut. Oveke ço, Sire, jamés le people ben ne savera, ne bon ne serra, deske a taunt ke il eyent genz; qui les sachent enseigner, e ço ne poent estre, si l'en ne les destreint de envoyer lur enfanz en Engleterre pur apprendre clergie et maniere: kar ly clerc du pays ne sevent gere plus de lettre ke ly lay. Par la queu chose, Sire, a vus qui en estes Sires, jo delivere ma conscience en la foy ke jo vus doy, ke james cele gent ne serra en estat de valor et de pes seure, ne profitable au monde, deske il meynent ensemble, et ke il oevrent sicume autre genz; e ke il eyent enseygnement de genz qui les sachent e voyllent aprendre. Ovek ço Sire, si il vus semble ke mun Seygnur *Seynt Thomas* deyve estre plaunté en vostre nouveau conquest si come vous avez premys, si il vus sovient, fetes ent vostre pleysyr nun pas pur moy, kar tres ben me suffisent les tres graunt honeurs que vos genz unt fetes a moye a miens par tute la terre par vostre comaundement. Sire, Dieu vus gard a tuz jurs. Ceste lettre fu escrite a *Neuport* lendeymen de la *Translaciun Seynt Thomas*. (Register Peckham, Lambeth Library, p. 446.)

⁹⁴ The "Gweison bychan," or "young lads," were juvenile retainers of the Welsh Court, who, like most of the followers of the British Princes, were entitled to quarter themselves upon the Villains. The Welsh youth, as we learn from Giraldus, delighted in the sports of the field, and, possibly, the Archbishop, in his zeal for the amendment of the "savages," may have thought that an immunity which tended to encourage their roving and marauding disposition was likely to impede the civilization of Edward's newly-acquired and turbulent subjects. He recommends that the way of living of the "Boys" should be wholly prohibited; and, like all the other customs connected with the policy and court of the British princes, it was very speedily suppressed. Edward, however, was too good a financier to grant a gratuitous release of this onerous prerogative, and the service of finding "hospitation" was commuted into a pecuniary payment. Thus, in the extent of Denbighshire, taken in 1342, amongst the various payments due from the Cantred of Ruveniog, are enumerated, "*Pastus Penmackew, et waison bæghan ixs. iiiid.*"

BATTLE TRIALS.

THE most whimsical of these conflicts, is that described, in an ancient German Custumal, as having taken place when a Woman and a Man were engaged in single combat.

Various Battle Trials—
(see p. 220.)

In order to equalize the strength of the Combatants, the Male Hero was placed in a circular pit, in which he stood as low as his girdle, armed with an oaken club or staff, of the length of a good cloth ell. The Virago, on her part, was furnished with a sling or rope of equal measure, and at the end of the sling was tied a heavy stone; with this weapon she endeavoured to fell her Antagonist. He parried and shifted as well as he could, striving to twist his club in the sling. If he succeeded, he would be in the way of winning the fight, for the sling was tied to the Woman's arm, and he could drag her easily within reach of his fists and staff, and then she was at his mercy; yet even with this advantage the victory might not always be an easy one⁹⁶.

Battle between a male and a female—how managed so as to put the parties on an equality.

Amongst the ancient Bavarians the weregeld for a woman was twice that of a man, on account of her feminine weakness. But if she was such a Woman, as in the boldness of her heart would stand up, and fight like a man, then her life was worth only as much as the lives of her brethren; she could protect herself, and did not require the additional safeguard of a double penalty.

The ancient law of the Angles furnishes the incidents so often found in legends and in romance. If the Wife was accused of poisoning her Husband, or having otherwise compassed his death, her nearest Kinsman was to justify her in the field. But if no Champion was found, then like Queen Emma, she was to prove her innocence by treading with naked feet over burning ploughshares⁹⁷.

Amongst the Angles a married woman, accused of the murder of her husband, might be defended by her kinsman as her champion.

⁹⁶ Dreyer sammlung vermischter Abhandlungen. Rostock, 1754, p. 159.

⁹⁷ LL. Bajuv. Tit. iii. cap. 15. Lex Anglorum, Tit. xiv.

(P. 222.)

In this case the causes prompting the Battle Trial still appear with sufficient distinctness. If the Friends of the Husband slew the Woman without cause, her Kinsmen would have attempted to avenge her death. Battle, when converted into a judicial process, compelled all parties to pause. The Kinsmen had an opportunity of forming some judgment upon the case. If they should think her innocent, they might legally take up her quarrel: if not, they abandoned her to her fate.

Battle Trial, how employed by the ancient Bavarians to decide the possession of land—viz. when no proof could be found of the contested boundaries, in which case the Battle Trial is to be considered as the one combat which was to settle the rights of all parties.

In addition to the passages quoted in the text (p. 221), the laws of the Bavarians furnish other clear examples of the original nature of Battle Trial. A controversy might arise concerning allodial land. It might happen that the metes and bounds were unevenced by any land-mark or march-range,—neither by hill nor dale, by the course of the stream, nor by the noted tree.—Each of the contending Parties asserted that the property had descended to him from his ancestor. If, under such circumstances, no other proof could be found, then the parties were to give gage of battle, not by Champions, but in their own proper persons, and to him unto whom the most strength was given, the disputed property was to belong⁹⁸.

What was this, but a provision of the law, by which *one* conflict was substituted for an endless feud? To use a colloquial expression, it was thought better that the disputants should fairly fight the matter out and out, instead of keeping the country in a state of constant disturbance.

⁹⁸ “ Quotiens de commarchanis contentio nascitur, ubi evidentia signa non apparent in arboribus, aut in montibus, nec in fluminibus, et iste dicit: Hucusque antecessores mei tenuerunt, et in alodem mihi reliquerunt, et ostendit secundum proprium arbitrium locum; alter vero nihilominus in istius partem ingreditur, alium ostendit locum, secundum prioris verba suum et suorum antecessorum semper fuisse usque in præsens asserit. Et si alia probatio nusquam inveniri dinoscitur, nec utriusque invasionem compensare voluerint, tunc spondeant invicem *Wehadinc*, quod dicimus, et in campiones non sortiantur, sed cui Deus fortiam dederit et victoriam, ad ipsius partem designata pars, ut quærit, pertineat. (Lex Baju. tit. xii. cap. 5.)

The improving policy of the Lombard kings led them to discourage the judicial combat. Grimoald, repeating in substance the laws of Rothar (i. e. Red-hair, or Rufus), his predecessor, enacted, that thirty years possession excluded the battle trial, and left the question to be decided by the compurgatory oath of the party⁹⁹. By a subsequent law, Luitprand restored the battle, if the possession had been grounded upon fraud. And the allegation of forgery, when the title deed was produced, compelled the tenant to enter the field. This was a concession to popular feeling. It was the opinion of the Nation prevailing against the opinion of the King. The Legislator was fully aware of the uncertainty of these appeals, which tempted Providence; and that many a good and righteous claim had been defeated by the chance of battle; but so inveterate was the custom of the Lombard Nation, that he could not prohibit this "impious law."

Amongst the Lombards, Grimoald enacts, that thirty years possession shall be a bar to a battle trial. But Luitprand restores the battle, if such possession was grounded upon a fraudulent title.

The Lombard form of waging battle agrees with the practice of the common law; and the Norman custumal is to the same effect. And it is very difficult to believe, that this purely Teutonic ceremonial was not introduced here until after the Conquest: and that, according to the usual opinion, the Anglo-Saxons were strangers to an institution which was known to all their brethren.

⁹⁹ Leges Grimoaldi, § iv. Leges Luitprandi, Lib. vi. § 115. The formula which is annexed to the latter, is a good example of the Lombard pleadings, which have a very strong affinity to the course of common law.

Petre, te appellat Martinus, quod tu tenes sibi malo ordine, terram in tali loco. Mea propria est terra quam dicis. Quid tibi pertinet? Ecce carta, quam tu mihi fecisti. Et si non voluerit pugnam facere appellator, tunc appellatus, postquam bellum factum est, quod possederit terram illam per xxx annos, non audiatur.

Secundum quosdam ita igitur. Alii vero ita.

Petre, te appellat Martinus, quod terra quæ in tali loco est, sit sua: tu sibi eam destines. Non ei respondeo, quia possedi per xxx annos. Vere possedisti, sed per chartam falsam, quam dixisti patrem meum fecisse tibi. Non est verum. Ita approbabo.

Vel ita. Vere possedisti sed malo ordine, et malo titulo. Non malo ordine, quia patruelis tuus mihi eam vendidit per chartam. Illa charta falsa est.

ANGLO-SAXON CHARTERS, &c.

Conveyances of land amongst the barbarians prepared by the clergy, by which means, a general uniformity of style was introduced.

CONVEYANCES of land, as employed amongst the Teutonic nations settled upon Roman ground, were almost exclusively prepared by the Clergy; and as the Clergy constituted but one body throughout all Christendom, a general uniformity of style was soon introduced. All the monks of Latin Europe were virtually bred in the same college. The members of the church were constantly in migration from province to kingdom; and a good precedent carefully settled at Monte Casino was rapidly transmitted to the "Scriptorium" at Worcester or at Canterbury. Therefore we need not wonder if we find that most of the Anglo-Saxon technical terms are translated from the vulgar Latin of the continental practitioners. Thus, the "land boc" was the "libellus," and "gebocian" was used like "libellare," to grant or convey.

Precariæ, *Prestariæ*, or *Præstitæ*, (see p. 66,) land solicited from a superior, and granted, or *lent* by him for a qualified and determinable estate.

These lands called "Læna" or Loans by the Anglo-Saxons.

Limited estates in land,—not descendible or transmissible, according to the rules of law—governed by the agreement of the parties—and requiring a formal renewal, when the term, whether more or less extensive, for which they had been granted, expired, were termed *Precariæ*. They were obtained, not by right, but upon solicitation;—and because only the occupation of land passed,—the estates so created were called *Prestariæ*, or *Præstitæ*, which the Anglo-Saxons termed "Læna," or Loans¹⁰⁰. The

¹⁰⁰ For this assertion, we have sufficient authority in the very remarkable record, concerning the six sollens of land at Worldham, (Text. Roff. 116, 117). The land originally belonged to the Church of Rochester, and had been usurped, or resumed by the Crown. Alfstane bought the domain from King Edmund, and it was "geboced" to him and his heirs for ever. It appears, that the land must have been partible according to the gavel-kind; but Elfig, his eldest son, kept possession of the whole, and excluded his brother, Elfin, from all right to the land. He was to stand in the situation of a stranger, and to have nothing, except what he could earn, or deserve by his service. But at last, from natural affection, he granted certain lands to him, but for his life only; and as a "Læn" or "in *prestito*," and not as an inheritance. Upon the death of Elfric, his brother resumed the "Læn," but he granted it out again to Eadric, the son of Elfric. Eadric died in the life-time of Elfig "cwidelos" leaving a widow, but no child. Elfig then re-entered upon the land, and resumed the "Læn," but granted to the widow her "Morgengife," or dowry. It should seem, that although the "Læn" was not trans-

Grantor had the property, the Grantee had only the usufruct. Such an estate was also considered as an Emphyteusis. The words *Precariæ* and *Emphyteusis* were employed as if they were synonymous. Thus a charter granted in the reign of Berengarius II. (950, 961), contains the following clause—"Non habent potestatem ipsum Xenodochium nemini in *emphyteusin*, id est *precariam*, dandi aut concedendi."

Precariæ and *Præstitæ* were Benefices; the expressions used in ancient documents leave no doubt that originally the words denoted one and the same thing in the Romano-barbaric laws, and their legal incidents gave them much affinity to the military Benefices of the Lower Empire. They were qualified estates, held upon condition, and descending, when and if they did descend, not by the general law of inheritance, but in terms of their creation.

Precariæ also termed benefices.

Qualified estates like the Roman benefices (pp. 253, 256, 257.)

"Prædictas res sub *beneficio Præstariæ* cum omni integritate, eo tenore concedimus, ut quamdiu præfatus Artoldus et Adelizia futura ejus uxor, et heredes ex eis nascituri, vixerint, usumfructum exinde percipiant¹⁰¹."

Examples showing that the terms were synonymous.

The petition presented to Charles the Bald, by the Bishops, in the memorable great Council or Placitum held at Epernay, 846, contains the following request: "A nullâ potestate quis cogatur facere *precariam*, de rebus proprie Deo et sanctis illius; dicatis cum ratio et usus obtineat neminem cui non vult, contra utilitatem et rationem *præstitum* de proprio facere *beneficium*."

missible to heirs, and that upon the determination of the life-estate, it reverted, by law, unconditionally to the Lord, still that the custom of allowing the son to succeed to his father's "*Læn*," and the widow to enjoy her dowry, began to prevail. "*Cwidelos*," in the old version, which accompanies the Saxon text, is translated "*absque commendatione vel distributione rerum suarum*," but in this case, it implies, as I apprehend, that Eadric did not in his life-time prefer any request to Elfig, that the estate might be allowed to his relict.—"*Læn-land*" not being transmissible, except at the will of the Lord, is distinguished from *Bocland*, held up for three lives; in which case, the two nominees of the grantee took their estate under the power contained in this charter. (Hemingi Cartularium, 94, 158, 204, 205, and the Charters appended to this essay.)

¹⁰¹ Tabularium Monasterii Sancti Andreae Viennensis. (Du Cange, I. p. 1118.)

In the precedents for regranting, as a Benefice, the lands which had been surrendered to a Monastery, the transaction is thus described: "Postea ad *petitionem* tuam non denegavimus, nisi ut ipsas res ad *præstitum beneficium* tibi *præstare* deberemus." (Marculf. App. 28.) So of lands originally belonging to the monastery: "Dum tua fuit *petitio* vel *supplicatio*, et nostra decrevit voluntas, ut *præstitum beneficium* de rebus nostris tibi *facere* deberemus." (Form. Lindenbrog, 26.) And for such Benefices also, the vassal prayed his temporal Lord¹⁰². It is not correct to suppose that the terms *præstitæ* and *precariae* were confined to church holdings; this impression has arisen merely from the circumstance that a greater mass of documentary information relating to the church has been preserved, than with respect to the temporality.

About the eleventh century these benefices acquire the name of Fiefs or Fevds.

It is generally admitted, by the best authorities, that from about the eleventh century, Benefices acquired the name of Fiefs or Feuds. An Emphyteusis was a Precaria, a Precaria a Benefice, a Benefice a Feudum, or rather Fevdum, and no better

¹⁰² The following Precept of Charles le Chauve, affords an instructive example of such a grant:

A. D. 876. In nomine sanctæ et individuae Trinitatis, KAROLUS ejusdem Dei omnipotentis misericordia Imperator Augustus. Si petitionibus fidelium nostrorum justis et rationabilibus assensum præbemus, Imperialis celsitudinis operibus consuecimus, et exinde eos ad nostræ celsitudinis obsequium fideliores ac devotiores reddimus. Itaque notum sit omnibus fidelibus sanctæ Dei ecclesiæ et nostris, præsentibus scilicet ac futuris, quia quidam fidelis noster, nomine *Hildebertus*, culminis nostri adiens serenitatem, *deprecatus* est, ut ei quasdam villas, quæ appellantur Cavaliacus et . . . quæ sunt sitæ in comitatu Lemovicensi, *usufructuario* et *jure beneficiario* omnibus diebus vitæ suæ, et filio suo post eum, per hoc præceptum nostræ auctoritatis concederemus. Cujus precibus ob sui bene meritum famulatum assensum præbentes, hoc scriptum fieri jussimus, per quod concedimus ei jam dictas villas, cum omni sua integritate, cum terris, vineis, silvis, pratis, pascuis et cum hominibus desuper commanentibus, ut absque alicujus immutationis sive imminutionis vel minorationis detrimentis omnibus diebus vitæ suæ, et filius ejus post eum, ut prædiximus, jure beneficiario et usufructuario habeant et possideant. Et ut hæc nostræ auctoritatis præceptio plenior atque firmitatem in Dei nomine obtineat firmitatis vigorem, &c. (Recueil des Historiens, vol. viii. p. 654.)

etymology can be found for this last term, than by supposing that it is a colloquial abbreviation of "Emphyteusis."¹⁰³ This derivation may appear far-fetched; but let those who object to it point out a better, and I will then give it up, but not till then, for I really cannot find out one more satisfactory, amongst the numerous guesses and conjectures of Lexicographers and Antiquarians¹⁰⁴. Hallam observes, and truly,—“It cannot be

Fief or *Feud*, derived from *emphyteusis*, or *emphytefsis*.

¹⁰³ From Emphyteusis (pronounced Emphytefsis) the Italians have formed "*Fitto*." I doubt if the word *Feudum* ever existed. It cannot be too often recollected, that the *u* and the *v* are but one letter in ancient manuscripts, and that we owe the distinction between the vowel and the consonant, to the ingenuity of Trissino. The older form seems to have been *Fevodium* (Charpentier, vol. ii. p. 420), and I suspect that Emphytefsis was first contracted into '*Phitef*' or *Fitef*, and then into *Fiev* or *Fief*, afterwards latinized into *Fevodium*, which some contracted into *Feudum*, and others by omitting the *v*, into *Feodum*. In the Scottish language, the verb is to *infeff*, not to *infeud*. It is hardly necessary to observe, that the words—*Alms*, *Obispo*, *Evesque*, *Vescovo*, *Don*, *Dom*, *Mossen*, *Vidame*, *Na*, exhibit abbreviations and transformations quite as unlike the original root, as that for which I contend.

¹⁰⁴ As may be fully seen by the following enumeration of the sources in which the origin of the word has been sought. Some in the Latin language, from *fides*, or *fædus*, or *fidelitas* (Obertus and Johannes de Janua.) Matthias Berneggerus, from the Hungarian *fæld*, earth; which, by the way, if really a Magyar word, is also good Norsk. Pontanus, Hottoman, and Sandius contend for *fuida* (Alem.), *feide* (Dan.), *vehd* (Germ.)—battle-feud or dissension. Grotius, Selden, Wachter, and Robertson tell us that *feodum* is compounded of *od*, possession or estate, and *feo*, wages or pay, intimating that it was stipendiary, and granted as a recompense for service. And Gundlingius, adopting the same syllables, takes *feo* in its sense of cattle, and expounds *feodum* as "*bonum rusticum vel pecuarium*." Upon all the Teutonic etymologies it is sufficient to observe, that the theories are contradicted by the *practice* of the Teutonic tongues—a *Feud* or *Fief* is not called by such a name, or by any name approaching thereto, in any Teutonic or Gothic language whatever. *Lehn*, is the only corresponding Teutonic term.

About the reign of Henry I. a knight's fee was called a *Knyghtesmetehom* (Shaftesbury Charters, Mon. III. p. 477), a knight's place or "home" of "meat" or maintenance. We have retained this term as applicable to ecclesiastical *Benefices*, and in Hampshire, the people call any holding of land a Living,—John Spong's Living is John Spong's farm. Not the large overgrown farm of a "capitalist," formed by uniting field to field, and acre to acre; but just such a hame or home as would give *meat* or maintenance to a yeoman and his family. These Livings, unfortunately for landlord and for tenant, and still more for the country at large, have been almost wholly swept away by the march of agricultural improvement. The Workhouse will tell the consequence.

No word corresponding to *fief* or *feudum* in any of the Teutonic languages, except *Lehn*, and its cognate terms.

“doubted, but that some word of barbarous original must have answered in the vernacular languages to the Latin *Beneficium*.” Certainly.—And the word which does so answer, in *all* the Teutonic vocabularies—ancient and modern, living and dead—Anglo-Saxon, Danish, Swedish, German, &c.—is *Læn*, *Len*, *Leen*, or *Lehn*¹⁰⁵. The essential and fundamental principle of a territorial Fief or Feud, is, that the land is held by a limited or conditional estate,—the property being in the Lord, and the usufruct in the Tenant. Military service and territorial jurisdiction, and the bond of fidelity, present themselves as the most prominent features of feudality; but we must recollect that they are not the foundation of the system, but adjuncts, which, however important they may have become at subsequent stages of its history, do not constitute its basis, or impart the essential character of the Tenure.

Anglo-Saxon Charters.

In selecting the following Charters, I have endeavoured to give the preference to those which elucidate the constitutional history of the Anglo-Saxon Kingdoms.

Ethelbert's foundation charter of St. Augustine's monastery.

The series of these instruments begins with the Charter by which Ethelbert (A. D. 605) founded the monastery of St. Peter and St. Paul, afterwards called St. Augustine's abbey. The abutments are accurately given; and it may be remarked, that the *Burgate*, the road or street named as the southern boundary of the land, retains the same identical name, without any variation, after a lapse of twelve hundred years¹⁰⁶.

Boundaries accurately described. *Burgate*, i. e. the *Burh-gat* (the borough-street, or borough-road) still retains its ancient name.

¹⁰⁵ See Wachter, Schilter, Haltaus, Ihre, and Junius, in his Glossary appended to *Ulphila*.

¹⁰⁶ Ethelbert's Tower has recently been laid in ruins by the obstinacy of an ignorant mechanic; and in consequence of the supineness of the corporation, the same fate is preparing for the sumptuous portal, almost the only remaining relic of a pile whose history is coeval with the establishment of Christianity in England. The example afforded to the corporation by the Dean and Chapter ought to shame them out of their Vandalism. The restoration of the cathedral, effected under the inspection of Dean Percy, now Bishop of Carlisle, *without the aid of any professional architect*, exhibits an union of skill, contrivance, and correct taste, which has been rarely equalled, and never surpassed.

As the information obtained from Charters, when they stand the test of criticism, is of the highest importance, it becomes necessary to use much caution before we admit their validity. At the same time, however, that we subject them to critical examination, we must take into consideration those circumstances which may impart a character of suspicion to authentic documents. There are many Instruments in the shape and form of original charters, but which are probably copies, made long after the Conquest, for use and perusal; and to prevent the injury which might result to the ancient "Land-boc," if touched by rude or careless hands. Occasionally, the Calligraphist attempted, not merely to repeat the words, but to depicture the ancient characters; and as these imitations are easily detected by the skilful Antiquary, he may be induced to condemn, as a forgery, a document which was merely intended to be an innocent facsimile. The same reasons which occasioned the Clergy to make transcripts of their charters in detached schedules, or membranes, also induced them to enter such muniments in Chartularies or Registers. Great judgment and accuracy are sometimes displayed in these collections¹⁰⁷. But the indolence of the Monk would frequently induce him to omit the subscriptions of the charter. Successive copyists modernized the language, and reduced the pure Anglo-Saxon of Ethelred to the Anglo-Norman or English of the Plantagenets;—the ignorant Clerk corrupted the document, unintelligible to him, into the most barbarous jargon¹⁰⁸;—and in some instances, a more skilful, but equally

Anglo-Saxon charters sometimes incur undeserved suspicion.

Copies of ancient charters made in *charter-form*, that is to say, upon membranes, or pieces of vellum, and intended for ordinary use, to prevent damage to the originals, sometimes considered as forgeries in consequence of the character of the handwriting not agreeing with the ostensible date.

Omissions and alterations in the copies arising from carelessness or ignorance.

¹⁰⁷ In the most valuable chartulary of Worcester, from which many of the following documents are taken, for instance, the transcripts which we owe to the care of Hemingius, leave nothing to be desired. This is also the case with the "Textus Roffensis." Some of the original charters which it contains are yet extant in the Museum, and they agree so closely with the printed text as to afford the strongest testimony of the care and accuracy of those to whose successive labours we owe the printed book—Ernulphus, Sir Edward Dering, and Hearne.

¹⁰⁸ The exemplifications of Anglo-Saxon charters on the Tower Rolls are corrupted in the most extraordinary manner. Yet the clerks of the Chancery always attempted to copy these muniments in an Anglo-Saxon character.

injudicious Scribe, has destroyed the credit of the "Land-boc," by translating its antique phraseology into terms which were more familiar to his contemporaries.

Cases in which forgeries may be detected by the handwriting, and by the spurious embellishments of the charters.

Interest may have tempted the Monks to commit forgery; and they did not always resist this temptation so resolutely as might be wished for the honour of their order. Yet in extenuation, if not in apology of this offence, it must be remembered that their falsifications were chiefly defensive. Lands which unquestionably belonged to the Church, were frequently held merely by prescriptive possession, unaccompanied by deeds and charters. The right was lawful, but there were no lawful means of proving the right. And when the monastery was troubled and impleaded by the Norman Justiciar, or the Soke invaded by the Norman Baron, the Abbot and his brethren would have recourse to the artifice of inventing a charter for the purpose of protecting property; which, however lawfully acquired and honestly enjoyed, was like to be wrested from them by the captious niceties of the Norman jurisprudence, or the greedy tyranny of the Norman sword. These counterfeits are detected by the pains which were taken to give them currency. It is familiarly known, that the Anglo-Saxons confirmed their Deeds by subscribing the "Token" of the "Rood;" and the charters are fairly but plainly engrossed upon vellum. Instead of imitating these unostentatious instruments, the elaborate forgers often endeavoured to obtain respect for their fabrications by investing them with as much splendour as possible. But the Crosses of gold, vermillion, and azure, which dazzled the eyes and deceived the judgment of the court, when produced before a Bench of credulous, honest, and unsuspecting Lawyers, now reveal the secret fraud, to the shrewd Antiquary. According to Ingulphus these modes of adornment prevailed long before the reign of the Confessor. The foundation charter of Croyland, purporting to have been granted by Ethelbald, is richly ornamented in the manner which I have described, whence it obtained the name

Croyland charters manifestly spurious.

of the "Golden Charter," and the ancient "Chirographs," gay with paintings and illuminations, and the charters of the Mercian kings covered with embellishments, are enumerated by Ingulphus amongst the treasures which were consumed, when the monastery was destroyed by fire in the year 1091. But I can state, upon the information of Mr. Petrie, the most competent living authority, that there is no charter of this description which is not manifestly spurious, and unless it be supposed that all the genuine illuminated charters in England perished by sympathy, when those at Croyland felt the flame, we must infer that the Monk who compiled the history attributed to Ingulphus, erred, either through ignorance or design ¹⁰⁹.

Monastic charters relating to exemptions from episcopal jurisdiction, lie under a general suspicion, not entirely undeserved. The proceedings between the Bishop of Chichester and the monks of Battle, will sufficiently exemplify the extreme eagerness with which the monks watched their real or supposed immunities. Papal Bulls were occasionally manufactured for this purpose. Of these fabrications we have a remarkable testimony. A monk of the abbey of St. Medard being on his death-bed, confessed, with great contrition and repentance, that he had forged numerous bulls of exemption in favour of various monasteries,—the abbey of St. Ouen in Normandy, and of St. Augustine's, Canterbury, being amongst the number, to the prejudice of the rights of their Ordinaries. Certificates of this acknowledgment were sent to the Archbishop of Canterbury, under the seals of the Archbishop of Rouen, and of the Bishop of Evreux, and the originals are extant in the archives of the Cathedral ¹¹⁰.

(See p. xxviii, &c.)

Papal Bulls not unfrequently forged, in order to ground claims of exemption from episcopal jurisdiction.

Extensive forgeries committed by a monk of the abbey of St. Medard, who confesses on his death-bed, that he had thus attempted to prejudice the rights of the see of Canterbury in favour of St. Augustine's monastery.

¹⁰⁹ The "Golden Charter" of Croyland has not been seen since the year 1734. It was then exhibited to the Society of Antiquaries by Mr. Lethieulliere, who obtained the loan of it from Robert Hunter, Esq., Lord of the Manor. (Gough's Croyland, Pref. viii.) In the opinion of Humphrey Wanley, "it was not much older, if anything at all, than Henry the Second's time." From the *fac simile* published by Hickes (Diss. Ep. Tab. D.), I suspect that it is even of later date.

¹¹⁰ Anglia Sacra, Vol. II. Pref. p. v., and from the information of Mr. Petrie.

Declamatory and turgid style of the charters of Edgar and his successors. Greek words frequently introduced.

This affectation noticed by Malmsbury.

(See p. ccxv.)

From the time of Edgar, the style of the Anglo-Saxon charters becomes extremely turgid. The recitals are couched in a strain of the most inflated eloquence—to be equalled only by the preambles of the patents of creation in the reigns of Queen Anne and George the First, preserved with so much zest and industry by gentle Collins. Greek words are frequently introduced; and sometimes it is scarcely possible to extract any definite meaning from the clauses. This declamatory style has erroneously been considered as a proof that such instruments are monkish forgeries, whereas, in fact, it is the *strongest* proof of their authenticity: the Anglo-Saxons courted pomposity in their writings; and Malmsbury expressly notices the delight which they took in the barbarous Hellenisms of their charters¹¹¹.

Greek characters were intermixed with the Latin alphabet, as in the seal of Ethelwald, and Greek titles assumed, as in the seal of Eadgitha. In the Latin compositions the same affectation is often very remarkable. Dark indeed are the verses of the “Patrician Consul, Fabius Quæstor Ethelwerdus,” upon which, without doubt, he prided himself as the best testimonies of his taste and learning; and the chapter in which he narrates the coronation of Edgar, affords the clearest comment upon the style of Edgar’s charters.

De Principatu Edgari Regis.

Denique Eadgar coronatur in regnum, rex admirabilis.

Annis sextenis siquidem per regna meatus,
Bisque dies numero tenuit minus obice septem:
Argivæ hebdomadas gentis posuere magistri;
Septimanas recitant post quas nunc voce Latini.
Tingite nunc calamos musæ propriumque vocate
Carmen, et ignoto ventis properate secundis.
Cum placido steterint, fontes aperite poëtæ.

¹¹¹ Græci involute, Romani splendide, Angli pompaticæ, dictare solent. Id in omnibus antiquis cartis est animadvertere, quantum quibusdam verbis abstrusis, ex Græco petitis, delectentur. (Malm. de Vita Aldhelmi, p. 7.)

Fungitur interea regno, post *Anax* in arce,
Kimannis castrum, a priscis jam nomine dicta,
 Nec *Bathun* ab aliis non pro feruentibus undis.
Costis pentidies fuerat, quam quondam honore,
Bradifonus, Domino, Moyses sacrarat amore.
 Advenit et populus pariter, sine nomine turmæ,
 Quin etiam ferro syncipite rasi corona.

(Rer. Angl. p. 483.)

The same false taste induced the Anglo-Saxon poets to interpolate their *Staves* with Latin words and Latin verses. If Ingulphus, or his Personator, can be credited, the French language had already become fashionable in the reign of the Confessor. But be this as it may, the affectation of the Anglo-Saxon literati was evidently tending to adulterate their language; and even if the Conquest had not taken place, the purity of the English language would have been speedily destroyed by the admixture of a foreign vocabulary.

Anglo-Saxon would probably have become much mixed with words derived from foreign languages, even if the Conquest had not taken place.

From the circumstances before mentioned, namely, that charters were often copied in *charter-form*, for use, no very valid argument can be drawn against the authenticity of a charter, merely from the character of the writing. Palæography affords aids which are of great utility to the historian, but by placing too implicit confidence in the outward signs and tokens which it affords, we may be led to indulge in very unreasonable scepticism.

Cases in which the Anglo-Saxon Charters are falsified by internal evidence,—such as the Croyland Charters, which represent the course of proceedings before the Witenagemot to have been like those of the parliaments of England, *temp.* Ed. II.

Internal evidence is usually the best test of the falsity of a charter; and the forgeries can generally be detected by the ignorance of their authors. Terms and phrases borrowed from the Anglo-Norman jurisprudence are introduced, and institutions and usages belonging to the age of the inventors, transferred to periods when they were entirely unknown. A charter ascribed to Beortwulf, King of Mercia, and dated at Kingsbury, on Saturday in Easter week, 851, recites, that the monks of

Croyland having preferred their complaint before the Prelates and Peers of Mercia concerning various trespasses, the King ordered Radbod, the *vice dominus* of Lincoln, to perambulate the demesne of the monks, and to return the boundaries before the king and his council, “*ubicunque in ultimo paschæ fuissemus*,”—which being done, the King, with the consent of his Prelates and Peers, confirms the privileges of the monastery. These proceedings are wholly conformable to the legal usages of the fourteenth century; and unless it be supposed, that the forms of the High Court of Parliament during the reign of Edward II., were inherited from the Witenagemot of Mercia, the whole body of the instrument must be considered as a spurious or adulterated paraphrase¹¹². I employ this expression, because I apprehend that the Forgers did not entirely trust to their powers of invention; and that in concocting many of the fabrications, they borrowed the substratum from genuine instruments, which they expanded and altered in such a manner as to suit the purpose required. At least, we cannot otherwise account for the consistency and pertinence of the concluding clauses, or confirmations by the Members of the Witenagemot, appended to many charters, of which the contents are doubtful, or modernized.

Authentic clauses often preserved in adulterated charters.

Particularly in the subscriptions, which are often genuine, though appended to a modernized or doubtful paraphrase.

Authenticity of the greater number of the Anglo-Saxon charters.

Whilst the falsity of some charters may be thus detected by the language which they speak, or the matter which they contain, many others, and indeed the great mass of those which have been preserved, receive the strongest confirmation by internal evidence. The names of the Ealdormen, and other Personages by whom they are attested or confirmed, frequently correspond with history in the most striking manner; and scarcely any one Individual of note is mentioned in the chronicles, whose name does not occur in some of the contemporaneous charters, as a

¹¹² Ingulphus, 12, 13.

Member of the Witenagemot. History supports the charters, and the charters support history, and also confirm each other¹¹³. And their trustworthiness is not in the least impaired by occasional anachronisms, some apparent and some real. The errors of Transcribers, and the different modes of computation are the chief sources of the first: the last arise from the practice which obtained, of Kings, Bishops, and Magnates adding their signatures (of course I mean, their marks) to charters which had been granted by their predecessors, or before their time, in order that the instruments might thus receive further confirmation and validity¹¹⁴.

Confirmed by history, and by each other.

Anachronisms, how accounted for.

The employment of Seals amongst the Anglo-Saxons has given rise to much discussion.

Seals, whether employed amongst the Anglo-Saxons.

There can be no doubt, but that seals were used for the purpose of impressing the wax which closed the epistles of the Anglo-Saxons. The seals of Edgitha, Abbess of Wilton, and Ethelwald, Bishop of Dunwich, are still extant¹¹⁵. The point at issue, however, is, not whether seals were in use amongst the Anglo-Saxons; but, whether the usage of appending a seal to a charter was considered as a *legal* method of executing

¹¹³ See the examples appended to this essay.

¹¹⁴ Of this a remarkable example may be found in a charter granted to St. Alban's Monastery, by Offa and his son Ecgfrid, and signed afterwards by nine successive kings, Alfred being the last. (Mat. Par. Auctuarium, p. 238.)

¹¹⁵ This seal of Ethelwald (830—870) was dug up in a garden, about two hundred yards from the gate of the monastery at Eye, by a labourer, who gave it to the child of a workman employed on the farm. The child threw the seal into the fire, and it thus received some injury. It was afterwards purchased by Hudson Gurney, Esq., and presented by him to the British Museum. The seal is of a yellow metal, mitre shaped, composed of two rows of arches, supported by nine wolves' heads, the eyes of which are formed by small garnets. The legend exhibits a mixture of Greek and Latin characters, ΣΙΓ ΕΘΙΛΒΑΛΔΙ ΕΡ, (Archæologia, vxx. p. 480.) Of the seal of Edgitha, probably the daughter of Edgar, only an impression remains. She is represented nearly at full length, the effigy being surrounded by an inscription, composed partly in Greek and partly in Latin—ΣΙΓΙΛΛ' ΕΑΓΔΓΥΘΕ ΡΕΓΑΛ' ΑΔΕΛΡΗ. (Hoare's Wilton Chartulary Pref.)

Used for certain official purposes from the reign of Ethelred, but not, as in after times, absolutely necessary for the validity of royal charters.

Custom of sealing charters introduced by slow degrees.

the instrument, according to the custom of later times. In the reign of Ethelred, the Anglo-Saxon Kings issued letters under their seals¹¹⁶; and in the reign of Edward the Confessor, the "gewrit and insegel," was the customary mode of confirming a dignity, of bestowing the king's protection, or of signifying his commands. But a seal, though it might be added to a charter, was not indispensable to the validity of the instrument. And though the impression of the King's effigy was probably considered as imparting more than ordinary solemnity to the document; still the practice did not possess the uniformity and constancy of a legal custom, and it gained ground only by slow degrees.

William the Conqueror had a Great Seal, which was occasionally employed by him, yet he frequently confirmed his charters by his *Sign*, or Cross alone; and until the reign of Henry II., the privilege of using a seal scarcely extended to any but the greater barons. Gilbert de Baillol, the lord of the fee of certain lands contested in the Curia Regis¹¹⁷, exclaimed that many chirographs in the names of his Ancestors had been read in his hearing, but that their deeds were not fortified by the testimony of their seals. Richard de Luci, the Justiciar, inquired if *he* had a seal. Baillol answered in the affirmative. The Justiciar replied, with a smile of contempt: It was not the custom in the olden time, for every *Knightling* to use a seal, which is fitting only for Princes and Persons of rank and dignity.

On the Continent, the Seal had been employed since the days of Dagobert; but the Confessor departed from the pattern of his contemporaries, the waxen impression being pendant to the char-

¹¹⁶ In the treaty between Ethelred and Richard of Normandy, it was agreed that the two sovereigns should not harbour each other's subjects, except provided with their respective seals, i. e. with passports, under seal. Et de hominibus regis, vel de inimicis suis, nullum Ricardus recipiat, nec Rex de suis, sine sigillo eorum. (Malm. Lib. II. c. x.)

¹¹⁷ See p. lxx.

ter, whilst the diplomatic etiquette of France required that the wax should be applied upon the parchment, like a modern wafer-seal¹¹⁸. William the Conqueror adhered to the fashion of the Anglo-Saxon Chancery; but he caused his effigy, as the mailed Duke of Normandy, mounted on his charger, and brandishing his lance, to be impressed on the obverse of the wax; whilst the reverse displays him in the character of King of England, bearing the crown and sceptre, arrayed in the robe of royalty, and seated on the throne¹¹⁹. Hence the origin of the double portraiture of the Kings of England on their Great Seals, according to the usage which now prevails. For an analogous reason, the seal of Odo, Bishop of Baieux, and also Earl of Kent, exhibits him, on the obverse clad in his pontificals; and on the reverse, in the martial garb of the Earldom. Louis VII. upon his marriage with Eleanor of Guyenne, caused an imitation to be made of the English seal, one side representing him as King of France, and the other as Duke of Aquitaine; but when he lost that territory by his separation from his consort, he then used only the French die, and the reverse of the wax continued without any impress, until Philip Augustus, stamped the blank with the counter seal of the Fleur-de-lys, being his privy signet, which pattern has continued to the present time¹²⁰.

Origin of the double impression, or obverse and reverse of the great seals of the Kings of England: the equestrian figure being *originally* intended to represent them as Dukes of Normandy, and the sitting figure as Kings of England.

¹¹⁸ Pendant seals were afterwards adopted in France.

¹¹⁹ As is testified by the inscriptions—

Hoc, Normannorum Willielmum nosce patronum,

Hoc, Anglis regem, signo fatearis eundem.

¹²⁰ The seals of the Confessor and the Conqueror have been repeatedly engraved, but never with sufficient exactness. Mabillon, *De Re Diplomatica*, is the best authority for the French seals.

Ethelbert King of Kent, grants a plot of land without the city of Canterbury, to the end that a monastery may be erected thereon.

(A.D. 605.)

Boundaries.

Optimates of Kent.

(1.)

In nomine Domini nostri Jesu Christi. Omnem hominem qui secundum Deum vivit, et remunerari a Deo sperat, et optat, oportet ut piis precibus consensum hilariter ex animo præbeat; quoniam certum est, tanto facilius ea, quæ ipse à Deo poposcerit, consequi posse, quanto et ipse libentius Deo aliquid concesserit. Quocirca ego *ETHELBERTUS Rex Cantiae*, cum consensu venerabilis Archiepiscopi *Augustini* ac principum meorum, dono et concedo Deo, in honorem *Sancti Petri* aliquam partem terræ juris mei, quæ jacet in oriente civitatis *Doroberniæ*, ita duntaxat ut monasterium ibi construatur, et res quæ infra memorantur, in potestate abbatis sint qui ibi fuerit ordinatus. Igitur adjuro et præcipio in nomine Dei omnipotentis, qui est omnium rerum Judex justus, ut præfata terra, subscriptâ donatione, sempiternaliter sit confirmata, ita ut nec mihi nec alicui successorum meorum regum aut principum, sive cujuslibet conditionis dignitatibus et ecclesiasticis gradibus de ea aliquid fraudare liceat. Si quis vero de hac donatione nostra aliquid minuere, aut irritum facere temptaverit, sit in præsentem separatus a sancta communione corporis et sanguinis Christi: et in die judicii ob meritum malitiæ suæ a consortio sanctorum omnium segregatus. Circumcincta est hac terra, his terminis; in oriente ecclesia *Sancti Martini*, in meridie via de *Burgate*, in occidente et aquilone *Drouting-street*. Datum in civitate *Doroberniæ*, anno ab incarnatione Christi, DCV. indict. VI. ego **ETHELBERTUS Rex Cantiae*, sana mente integroque consilio, donationem meam signo crucis propria manu roboravi confirmavique. Ego *Augustinus* gratia Dei Archiepiscopus testis consentiens libenter subscripsi. *Edbaldus, Hamigisilus, Augemundus* Referendarius, *Hocca, Tangil, Pinca, Geddy*. (Somner's Canterbury, p. 47.)

A concurrent charter is signed and attested in the following manner:

Ego **ETHELBERTUS*, Rex Anglorum. *Edbaldus*, Regis filius, favi. Ego *Hamigisilus*, Dux, laudavi. Ego *Hocca*, Comes, consensi. Ego *Augemundus*, Referendarius, approbavi. Ego *Graphio*, Comes, veredixi. Ego *Tangisilus*, Regis optimas, confirmavi. Ego *Pinca*, consensi. Ego *Gedde*, corroboravi.

(2.)

Grant by Ethelbald, King of the Mercians and South Anglia, to his Comes, Æthelric, son of Oshere, King of the Wiccians, of lands to be held as an ecclesiastical benefice, with consent of the Bishops and Optimates.

Ego *ÆTHELBALTHUS* non solum *Mercensium*, sed et universarum provinciarum quæ, communi vocabulo, dicuntur *Suthengli*, divina largiente gratia Rex, reverentissimo Comiti meo, mihi que satis caro, filio quondam *Huicciorum* regis *OOSHERES, ÆTHILRICÆ* terram viginti cassatorum, in possessionem ecclesiasticæ rationis atque regulæ, cum consensu † vel episcoporum, † vel optimatum meorum larga mentis benevolentia donans concedo. Est autem idem ager qui traditur in regione, quæ antiquitus nominatur *Stoppingas* in loco qui vetusto vocabulo dicitur *Uuidutuun* juxta fluvium, quem priores nostri appellare solebant, et adhuc nominatur *Aetluuinnae*. Omnem itaque hunc agrum intra terminos, ab antiquis possessoribus constitutos, cum campis, et saltibus, et pratis, necnon et universis, qui ex eo provenire possint necessariis reddituum usibus, ita nimirum præfato Comiti meo *ÆTHILRICÆ*, in jus monasticæ rationis rogatus ab eo, tradens largior, ut et ipse, quamdiu vita comite voluerit, prospere possideat, et

* It may be necessary to mention, that to save room, and spare trouble to the printers, I have omitted the Crosses, which are invariably prefixed to all the Anglo-Saxon signatures.

† Sic.

cuicumque placuerit, vel se vivente, vel obeunte, ea conditione qua sibi traditum acceperit, licenter omnino nobis concedentibus libens tradat. Ego *Æthelbalth*, hanc donationem meam subscripsi. Ego *Uuor*, Episcopus, consensi et subscripsi. *Piot*, Abbas—*Uuilfrith*, Comes—*Sigibed*, Comes—*Oba*, Comes—*Beorcol*, Comes—*HEARD-BERHT*, Frater Regis—*Eadberht*, Comes—*Tepra*—*Aduulf*—*Ceoba*—*Stronglic*—*Beonna*—*Uuilfriht*, Episcopus—*Cuthred*, Abbas—*Eobe*, Abbas—*Æthilwald*, Abbas—*Ælbred*. (Heming. vol. I. p. 219.)

Consent of the members of the Witenagemot.

(3.)

Ego *ÆTHILBALT*, Domino donante, Rex, non solum *Marcensium*, sed et omnium provinciarum quæ generale nomine *Sutangli* dicuntur, pro remedio animæ meæ et relaxatione piaculorum meorum, aliquam terræ particulam id est x cassatorum venerando comiti meo *Cyniberhte*, ad construendum cœnobium, in provincia, cui ab antiquis nomen inditum est *Husmeræ*, juxta fluvium vocabulo *Stur*, cum omnibus necessariis ad eam pertinentibus, cum campis silvisque, cum piscariis pratisque in possessionem ecclesiasticam benigne largiendo trado; ita ut quamdiu vixerit potestatem habeat tenendi ac possidendi, cuicumque voluerit, vel eo vivo, vel certe post obitum suum relinquendi. Scripta est hæc cartula A. D. 736, &c. Ego *ÆTDILBALD*, Rex *Britanniæ*, propriam donationem confirmans subscripsi. Ego *Uuor*, Episcopus, consensi—*Uuilfridus*, Episcopus—*ÆTHILRIC*, Subregulus atque Comes gloriosissimi principis *Ethilbaldi*—*Ibe*, Abbas—*Heardberht*, Frater atque Dux præfati Regis—*Ebbella*—*Onoc*, Comes—*Oba*—*Sigibed*—*Bercol*—*Ealduuft*—*Cusa*—*Dede*. (Smith's Bede, App. p. 786.)

Ethelbald, King of Mercia and South Anglia, taking also the title of King of Britain, grants lands and castle near Stoure, to his Comes, or Ealdorman, Cyniberht. (A.D. 736.)

Confirmation by the members of the Witenagemot.

(4.)

Regnante et adjuvante nos Deo et domino nostro Jhesu Christo. Ego *CÆNULFUS*, gratia Dei Rex *Merciorum*, anno V^o. imperii nostri, una cum fratre meo *CUTHREDO*, Rege scilicet *Cantuariorum*, dabo in perpetuam possessionem, *Suithune*, nostro in commune ministro, modicam telluris portionem, trium scilicet aratrorum, ubi nominatur *Aetbrom Gehæge* in provincia *Cantiæ*, &c. prædicto viro, vel ejus posteris sub perpetua libertate concedimus, cum omnibus ad se pertinentibus rebus, ut habeat et possideat quamdiu vivat, et post se, cui voluerit, relinquat in sempiternam possessionem, eo videlicet jure, si ipse nobis et optimatibus nostris fidelis manserit minister, et inconvulsus amicus. Ego *CÆNULFUS* Rex donationem meam signo crucis confirmo. Signum manus *CUTHREDI* regis *Cantuariorum*. Signum manus *Ceolberhti*, ducis. Signum manus *Berhthuni* et *Byrnwaldi*, comitum. Hoc item secunda die *Paschæ* adfirmant coram rege *CUTHREDO* in urbe *Cantuariorum*, Archiepiscopus *Æthilheard*; et *Merciorum* Abbas *Dæghelm*, cum optimatibus quorum hic scripta sunt nomina—*Æthilheard*, Archiepiscopus—*Dæghelm*, Presbyter Abbas—*Heaberht*—*Osuulf*—*Egnulf*—*Almund*—*Beornheard*—*Esne*—*Ealdbert*—*Haehfrith*—*Ealdbert*—*Osmud*—*Wiohthert*—*Bealthhæth*.

Cœnnulf, King of the Mercians, and his brother, Cuthred, Vassal King, or Regulus of Kent, grant lands to Swithun their "Minister" or Thane.

He is to hold the same for his life, with full power of bequeathing the same, upon condition of being a true and faithful Thane to the Kings and their Optimates.

Confirmation by the members of the Witenagemot.

Quomodo *Suithun* hanc terram sibi datam a Regibus concessit Sancto *Andree* post obitum suum.—Ego *Suithun* post obitum meum trado terram hujus libelli, pro remedio animæ meæ, omnibusque sibi pertinentibus Sanctæ *Andree* in perpetuum. Et si quis auxerit, æternam vitam tribuat ei Deus: si quis tunc minuere voluerit † mortem supplicium cum diabolo in æternum sit passus. (Textus Roffensis, pp. 94, 95.)

Swithun bequeaths the land to the Church of Rochester.

(5.)

(A.D. 821.) Kenulph, King of the Mercians. Extracts from his charter in favour of the monastery of Abingdon.

The abbey to be exempted from the burthen of finding free quarters for the King's huntsmen, falconers, &c.

Service of twelve vassals and twelve shields (or, in more modern language, twelve knight's fees) to be rendered from the abbey (p. 157.)

In nomine Dei et Domini nostri Jesu Christi, veri redemptoris mundi anno vero dominicæ incarnationis DCCCxxi, indictione xiiij. Ego CÆNULPHUS Rex *Merciorum*, ab eodem Deo et Domino nostro populis et tribubus præordinatus in Regem anno imperii nostri xxv. (See Summary of the History of Mercia.)

[Here follows a confirmation of the possessions of Abingdon.]

Mandamus in nomine Patris et Filii et Sancti Spiritus ut nullus superveniat hominum, superbia inflatus, nec Rex suum pastum requirat vel habentes homines quos nos dicimus *fæstingmen*, nec eos qui accipitres portant, vel falcones, vel caballos ducunt sive canes, nec pœnam mittere super eos quoquomodo audeat. Nec princeps, nec *graffio**, hanc lenitatem præfatam, in alicujus oneris molestia mittere audeat, aut in diebus nostris vel successorum nostrorum. Si pro aliquo delicto accusatur homo Dei, ecclesiæ illæ custos solus cum suo juramento, si audeat, illum castigat. Sin autem ut recipiat aliam justitiam hujus vicissitudinis conditionem, præfatum delictum cum simplo precio componat. Expeditionem cum xij Vasallis, et cum tantis scutis exerceant. Antiquos pontes et arces renovent, cæterum plena et integra libertate glorientur, maxime cum ipsi diebus dominicis vij missas pro nobis saluberrimas offerant et armis spiritualibus centum psalteriis contra invisibiles hostes dimicare non cessant.

(Bib. Cott. Claud. B. VI. fol. 9.)

(6.)

(A.D. 823.) Egbert, King of the English, with the consent of his Witenagemot, and of his son Ethelwulf, whom he had appointed to be King of Kent, frees the church of Rochester from the burthen of finding "Paraverdæ" and free quarters for the followers of the Court (see p. 157.)

In nomine Domini nostri Jhesu Christi. Ego ECGBERTUS, gratia Dei Rex *Anglorum*, cum consensu episcoporum ac principum meorum, hanc libertatem donavi ecclesiæ quæ sita est in civitate *Hrobi* et omnibus agellis qui ad ecclesiam Sancti *Andreæ* Apostoli pertinent, pro remedio animæ meæ et filii nostri ÆTHELUULFI, quem regem constituimus in *Cantia*, ut omnes agri sint liberi ab omni regali servitio, a pastu regum et principum, ducum et præfectuum exactorumque, ab equorum et falconum accipitrumque et canum acceptione et illorum hominum refectione † quod nos *festingmenn* nominamus, a *parafrithis*, et ab omnibus difficultatibus regalis vel secularis servitutis notis et ignotis, cum furis comprehensione intus et foris, majoris minorisve, præter pontis constructione † et expeditione † æternaliter liberata permaneat (A.D. 823.) Ego ECGBERTUS, Rex *Anglorum*, hanc donationem meam hujus libertatis signo sanctæ crucis Christi confirmavi et subscripsi. Ego ÆTHELUULF, Rex, consensi et subscripsi. Ego *Uulfred*, Archiepiscopus, consensi et subscripsi. Ego *Wigthegn*, Episcopus, consensi et subscripsi. Ego *Ealhstan*, Episcopus, consensi et subscripsi. Ego *Beornmod*, Episcopus, consensi et subscripsi. Ego *Wulfhard*, Dux, consensi et subscripsi. Ego *Monuede*, Dux, consensi et subscripsi. Ego *Osmode*, Dux, consensi et subscripsi. Ego *Dudda*, Dux, consensi et subscripsi. *Aldred—Oshere—Æthelwulf—Duduc—Boba—Ealhhere—Sigesteb—Æthelhard*.

(Textus Roffensis, pp. 97—99.)

* "Graffio," in the phraseology of the continental laws and charters, is sometimes employed to designate the higher nobility, and sometimes the ministerial officers of the King. Here it seems to be used in the first sense, as equivalent to "Comes," or "Ealdorman," or the more recent "Earl."

† Sic.

(7.)

Ego ADELUULF, Rex *Australium* populorum, tibi fidelissimo meo præfecto *Ceol-mundo* trado terram juris mei unius aratri, &c. et cuicumque voluerit post se æternaliter possidendum relinquat. (A.D. 842.) ADELUULF, Rex—*Adelwulf*, Dux—*Adelhun*, Præsbiter—*Ethelmoth*—*Edelred*—*Ceolnoth*, Archiepiscopus—*Alhere*, Dux—*Beormod*, Præsbiter—*Adelrit*—*Lulluc*—*Beormod*, Episcopus—*Werehard*, Præsbiter—*Muthsar*, Minister—*Alhard*—*Beasnoth*—EDELSTAN, Rex—*Brythnoth*, Præsbiter—*Tutta*, Minister—*Hudda*. (Registrum Roffense, p. 23.)

(A.D. 842.) Grant by Ethelwulf, King of Wessex, by the title of King of the Southern Nations, Ceolmund, his "Præfect."

Confirmation by the Witenagemot,—Athelstane, King of Kent, signing amongst the rest.

(8.)

Ego ETHELWOLF, Rex occidentalium *Saxonum*, † seu ETHELSTAN, Rex *Cancie*, † dabo et concedo *Ealhere* humili atque dilecto principi meo, aliquantulam partem terræ juris mei, &c. ut habeat et perfruat, cum pratis et pascuis cum omnibus rebus quæ ad illam pertinent, et qualicumque homini † illam placuerit, derelinquat in hæreditate in sempiternum, et sit liber ab omni regali servicio, præter tribus, pontis et arcis constructionē et expeditionē, &c. (A.D. 850.) Ego *Ethelwolfus*, Rex, roboravi. Ego ETHELSTAN, Rex, consensi—*Ceolnodus*, Archiepiscopus—*Orric*, Dux—*Orbrith*, Miles—ETHELBALD, filius Regis—*Ealhere*, Dux—*Oineberht*, Miles—*Eaduulf*, Dux—*Lulla*, Miles—*Mucel*, Miles. (Registrum Roffense, p. 24.)

Grant by Ethelwulf, King of Wessex, and Ethelstan, King of Kent, to their "Prince" Ealhere. (A.D. 850.)

Witenagemot.]

(9.)

In nomine Domini nostri Jhesu Christi, ATHELRED, Deo adjuvante, *Merciorum* Dux, hanc cartam *Cuthulfo*, ministro regis, pro illa terra *marnan cliue* id est x manentium, fieri concessit, quam terram, *Cered* propinquus illius *Cuthulfi*, cum mille siclis a *Burhredo*, rege *Merciorum* adquisivit, ac post mortem suam, suæ uxori *Uuerthrythe* ad optinendam donavit. Tunc ille *Cuthulf* a prefata muliere, Romam cupienti pergere, in presentia *Uuerfrithi* episcopi, omniumque optimatum provincie *Huicciorum* cum probabili pecunia comparavit. Sed ille *Athelred*, prefata *Uuerthrythe* sub juramento affirmante, supradictæ terræ libellum a paganis arreptum esse, cum consensu omnium *Merciorum* senatorum, alium scribere jussit, ut ille *Cuthulf* illa terra, ut sibi placeret, perhenniter perfrueretur, et, cui donare vellet, sine impedimento ullius personæ licentiam haberet. (Heming. 328.)

Ethelred, Duke or Ealdorman of the Mercians, and with the consent of the "Senate," or Witenagemot of Mercia, renews the landboc or charter of Cuthulf the Thane, which had been carried off by the Danes.

(10.)

Regnante imperpetuum et mundi monarchiam gubernante, altitoni Patris sobole qui celestia simul et terrena moderatur, illius etenim incarnationis anno D.cccc.iiii. indictione vero sexta, contigit quod *Ethelfritho* duci omnes hereditarii libri ignis vastacione combusti perierunt; tali igitur necessitate cogente, predictus Dux rogavit EDUARDUM regem et ELREDUM quoque et ETHELFLEDAM qui tunc principatum et potestatem gentis *Merceorum*, sub predicto rege tenuerunt, omnes eciam senatores *Merceorum*, ut ei consentirent, et licentiam darent, alios libros rescribendi. Tunc illi unanimiter omnes devota mente concesserunt ut alii ei libri scriberentur eodem modo quo et priores scripti erant, in quantum eos memoriter recordari potuisset. Si vero quoslibet recordari minime potuisset, tunc ei ista cartula in auxilio et affirmatione

Duke Ethelfrith having lost all his landbocs, the same having been destroyed by fire, applies to Edward the Elder, as supreme Lord of Mercia, and to Ethelred the Ealdorman of the same kingdom, and Ethelfleda his wife (who was joined with him in the government)

† Sic.

and to the Witenagemot of Mercia, to cause new charters to be written for him.

Subsequent confirmation by Edred.

fieret, ut nullus cum contencione cum aliis libris afigere valuisset, nec propinquus nec alienus, quamvis aliquis homo aliquem de vetustis libris protulerit, quem prius fraudulenter vel hora ipsius incendii vel alio quolibet tempore per furtum abstraxisset. Novimus namque quod omnia que in hoc mundo contingere solent aliquando cicius aliquando tardius, ex memoria mortalium delapsa deveniunt nisi in cedula literarum characteribus annotentur: quapropter in hac cartula innotescere ratum atque gratum satisque commodum duximus, de illa videlicet terra at *Wringtone*, cujus quantitas est viginti cassatorum. Ego *ATHELRET* consensi et confirmavi. Ego *EDWARD*, Rex, consensi et subscripsi.

Et hanc prefatam largicionem. Ego *EDRED*, Rex, et totus senatus *Anglorum*, devoto animo *Ethelfretho* duci in perpetuam hereditatem persolvimus ut nemo post nos percipientes sine indignacione Dei omnipotentis illam irritam faciat.

Hanc prefatam hereditatem *Athelstan* Dux, filius *Etheredi* conversus et factus monachus optulit secum ad monasterium *Glastingense* illamque sibi largitus est *Athelstan* Rex. (Monasticon, vol. i. pp. 49, 50.)

(11.)

Oswald, Bishop of Worcester, with the assent of Edgar, King of the English, and Alfer, Duke of the Mercians, grants Uptun to his "Minister" or Thane Cynelm, or Kenelm, for his life, and for two other lives after his decease, after which the same is to revert to the Church of Worcester.

Ego *OSUWALD*, gratia Dei Episcopus, cum consensu ac licencia *EADGARI*, Regis *Anglorum*, et *ÆLFHERE*, ducis *Merciorum*, quandam ruris particulam, quod a gnosticis *Uptun* appellatur, vi. videlicet mansas, cuidam ministro meo nomine *Cynelm* cum omnibus ad illud rite pertinentibus, perpetuam largitus sum hereditate, et post vitæ suæ terminum duobus tantum heredibus immunem derelinquat, quibus defunctis, ecclesiæ Dei in *Wiozopna ceastre* restituatur. (A.D. 962.) (Heming. p. 145.)

[Signed by two priests, one deacon, and fourteen clerks, being the members of the cathedral monastery.—A note in Anglo-Saxon is added, containing the name of one of the persons whom *Cynelm*, the "Thegne," has nominated as the next life.]

(12.)

Archbishop Oswald, holding the see of Worcester in commendam, and with the assent of Edward King of the English (Edward the Martyr) and Alfer, Duke or Ealdorman of Mercia, grants one hyde of land (parcel of Oswald's Law) to his Knight, Wulfgeat, to hold for his life, and after his decease for two other lives, in succession, after which the same is to revert to, &c.

Ic *Oruold* þurh goder giefre *Ancbirceop* mid gefaunge 7 leafe *Eadpænder* angulcyninger 7 *Ælfheres* *Mercna* hepetogan 7 þær hinedes æt *Wiozopna ceastre*, landes sumne dæl, þæt is an hid æt hymel tune, sumum *Cnihte* þam is *Wulfgeat* noma mid eallum þingum þe þær to belimpað, 7 neolice his dæge forgeaf 7 æfter his dæge, 7 æfter þam dæge, 7 æfter hie þa forð, riþe to þære halgan 7 tope into *Wiozopna ceastre* þam bircope to bryce. (Heming. pp. 151, 152.)

(13.)

Archbishop Oswald, with the assent of King Edward, and of Alfer, Duke of the Mercians, grants or *gebooks* three hydes of land to his Thane, or Minister, *Eadric*, for three lives, formerly held as Lehnland, or as a Benefice or Feud.

Anno Dominicæ incarnationis D CCCC LXXvii. Ego *OSWALD*, superni rectoris fultus juvamine, Archipresul, cum licentia *EDWARDI* Regis *Anglorum*, ac *ÆLFHERE*, Ducis *Merciorum*, uni ministro meo fidelo, qui a gnosticis nota *Eadric* nuncupatur vocabulo, ob ejus fidele obsequium, quandam ruris particulam, iii videlicet mansas quod solito vocitatur nomine *Tidingetun*, cum omnibus ad se rite pertinentibus liberaliter concessi, ut ipse, vita comite, fideliter perfruatur, et post vitæ suæ terminum, duobus, quibus voluerit, cleronomis derelinquat. Quibus etiam ex hac vita migratis, rus predictum, cum omnibus utensilibus, ad usum primatis ecclesiæ Dei in *Wiozopna ceastre* restituatur immunis. þonne is þær landes iii hida þe *Ospald* *ancbirscop* bocað *Eadrice* his þegne, geneptune gefyrn spa he hit ær hæfde to *lan lande* mid þær heopodes gepitnerre on *Wiozopna ceastre*.

(Heming. pp. 204, 205.)

(14.)

Alma et individua ubique inlocaliter regnante Trinitate, necne ÆTHELREDO allubescente ac favente, per *omni parentis notum totius Albionis Basileo, ÆLFRICI Merciorum Comite consentiente; Ego Oswaldus largifluâ Dei clementiâ archipresul, quandam rurisculi partem, tres scilicet mansas, in loco, qui vocatur æt bisceoper Stoce libenti concedo animo, cum omnibus ad eum utilitatibus rite pertinentibus, cum consultu atque permissione venerabilis Weogernensium familiæ, Æthelredo meo videlicet Milite, pro ejus humili subjectione atque famulatu, ut vita comite illo feliciter perfruatur, absque ullius refragatione, duobusque quibuscumque decreverit, post metam proprii ævi, †clero nominis relinquat, finitoque illorum vitæ curriculo, ad usum primatis in Weozonna ceastne redeat immunis ecclesiæ. Anno dominicæ incarnationis D CCCC Lxxxiii^o scripta est cartula ista, his testibus æstipulantibus, quorum nomina infra caraxata cernuntur. (Heming. pp. 121, 122.)

Archbishop Oswald, with the assent of Ethelred, Emperor of Albion, and Alfric, Comes of the Mercians, grants Bishop's Stoke to his Knight or Soldier Ethelred, in consideration of his service and vassalage, for three lives, as before mentioned.

A. D. 984.

(15.)

Anno Dominicæ incarnationis d cccc xci. Ego Dux Brihtnotus iturus contra paganos ad bellum, consentiente Rege ATHELREDO, divisi omnes terras meas per ecclesias per Angliam, audiente Sirico, archiepiscopo; et optimatibus regis omnibusque id laudantibus et consentientibus. Ecclesiæ Salvatoris in civitate Doroberniæ has terras contuli, Lallinges, Illelege, et Hathlege, liberas ab omni servitute seculari, excepto communi labore expeditionis pontis et arcis constructione. Hætlege tamen concessi Alfedæ uxori meæ, tantum in diebus suis, postea redeat ad ecclesiam Xpi in eadem villa. (Bib. Lamb. No. 1212, p. 326.)

A. D. 991.

Brithnoth, Duke of East Anglia, being about to go out to war against the Danes, bequeaths all his land to pious uses. Will concerning the domains which he bequeaths to the church of Canterbury. A life estate to his widow Alfedæ is reserved.

(16.)

Ego ÆTHELRED totius Britannicæ Basileus, quandam telluris particulam xv videlicet cassatos, loco qui celebri, Ætcerne, nuncupatur vocabulo, Domino nostro Jesu Christo sanctæque ejus ecclesiæ beatæ Dei genitricis Mariæ, qui celebri Abbendona nuncupatur onomate, ad usus monachorum Dei inibi degentium cum omnibus utensilibus, pratis videlicet, pascuis, aquarumque cursibus Uulfgaro abbati æterna largitus sum hereditate. Sit autem prædictum rus omni terrenæ servitutis jugo liberum, tribus exceptis, ratâ videlicet expeditione, pontis arcisve restauratione. Est sane præfata terra Cyrne de illis villulis quas pridem quidam Comes ‡vocitamine Ælfric a quadam matrone Ealfed nomine diripuit, et sibi in propriam hæreditatem usurpavit. Ac deinde temporum variante vice, necne instigante humani generis perversissimo temptatore diabolo, contra eum meumque regale imperium multa et inaudita miserabiliter committens piacula, Episcoporum Ducum omniumque hujus regni optimatum, unanimo legali consilio æquissimoque judicio, in villa regia quæ Anglica appellatione Cirnceastre dicitur, ipso extra patriam in exilium addicto, non solum illæ quas a præfata muliere abstraxit, sed et cæteræ omnes, quas jure possidebat hereditario, sibi ac omni suæ posteritati interdictæ fuerunt, mihi in proprium jus habendi donandique firmiter et immobiliter sunt æternaliter deputatæ. Ego quoque post hæc cum consilio et precatu optimatum meorum concessi, quatenus præfata vidua direpta sua resumeret ac vita comite possideret, quæ humiliter suscipiens et rationaliter fruens et in ultimo hujus labilis vitæ termino, omnes mihi benevola mente in

A. D. 999.

Ethelred, Emperor of Britain, grants Cerne to the Church of Abbingdon.

Recital of the manner in which the King became possessed of the land. Earl Alfric forcibly dispossesses the widow Ealfed, and then conspires against the King. He is outlawed and banished by the Witenagemot assembled at Cirencester, and all his possessions adjudged to the King.

At the prayer of the Witan, Ethelred restores the land to Ealfed, to be held by her during the term of her life.

* lege, omnipotentis nutum.

† lege, cleronomis.

‡ Sic.

Curses and imprecations upon such as shall violate the grant.

proprium jus restituit. Si autem tempore contigerit aliquo quempiam hominum aliquem libellum ob istarum apicum adnichilationem in palam producere, omni modo in nomine Sanctæ Trinitatis, ab omnibus Christianis interdico, ita ut meum donum corroboratum sit cum signaculo sanctæ crucis, ut nec sibi nec aliis proficiat sed † in sempiterno graphio deleatur; denique vero si quis nostræ dapsilitatis donum violari fraudulenter temptaverit sciat se die ultima iudicii, coram Deo rationem redditurum, atque cum reprobis quibus dicitur, "Discedite a me maledicti in ignem æternum," pœnis atrocibus se esse passurum, sine antea corporea lamentatione emendaverit. Prædicta siquidem tellus his terminis circumcincta clarescit. Metæ.

[Here follow the boundaries.]

Acta est præfata donatio anno ab incarnatione Domini nostri Jesu Christi, D CCCC xc ix, indictione xij, his testibus consentientibus, quorum inferius nomina karaxantur.

Confirmation by the Witenagemot.

Ego ÆTHELRED, Rex *Anglorum*, hoc taumate agiæ crucis roboravi. Ego *Ealfric Dorobernensis* ecclesiæ Archiepiscopus, ejusdem Regis benevolentiam subscripsi. Ego *Ealdulf Eboracensis* ecclesiæ Archipræsul, hilari vultu consensi. Ego *Ælfheah*, Præsul, sigillum sanctæ crucis impressi. Ego *Uulfstan*, Episcopus, corroboravi. Ego *Ælfheah*, Episcopus, consolidavi. Ego *Æscuuig*, Episcopus, confirmavi. Ego *Athulf*, Episcopus, depinxi. Ego *Ordbriht*, Episcopus, annotavi. Ego *Goduuine*, Episcopus, subscripsi. Ego *Athelstan*, Episcopus, acquievi. Ego *Uulfsie*, Episcopus, consignavi. Ego *Lyfincg*, Episcopus, non renui. Ego *Ælfuold*, Episcopus, conclusi. Ego, *Ælfthrida*, mater ejusdem Regis, fautrix extiti. Ego ÆTHELSTAN, filius ejusdem Regis, non interdixi. Ego *Ælfric*, Dux. Ego *Ælfhelm*, Dux. Ego *Leofsige*, Dux. Ego *Leofuine*, Dux. Ego *Ælfuuerd*, Abbas. Ego *Uulfgar*, gaudens dictavi Abbas. Ego *Ælfsige*, Abbas. Ego *Kenulf*, Abbas. Ego *Ælfsige*, Abbas. Ego *Æthelnodus*, Abbas. Ego *Æthelmær*, Minister. Ego *Ordulf*, Minister. Ego *Brihtuuold*, Minister. Ego *Uulfheah*, Minister. Ego *Uulfgeat*, Minister. Ego *Æthelric*, Minister. Ego *Uulfric*, Minister. (Bib. Cot. Claud. B. vi. p. 91.)

(17.)

A. D. 1012.

Ethelred, King of all the nations of the people of Britain, grants Stanton and Hilton to the Bishop of Rochester.

Recital of his title to the property.

Leofsiue, or Leofsige, who had been advanced to the dignity of a Duke by the King's grace and favour, treacherously murders Alfric, the King's High Gerefa. As a punishment for his crime he is outlawed and banished, together with

Ego ETHELREDUS, Rex nationum totius gentis *Brittanniæ*, pro adipiscenda cœlestis vitæ præmia, cuidam devotissimo Dei famulo *Goduuino*, *Hrofensis* parrochiæ Episcopo michique oppidò familiariter dilecto, dono liberali dextera xv mansas terrarum in villa *æt Stanton* et *æt Hiltun*, cum omnibus appendiciis suis in pascuis et pratis, omnibusque quæ hujusce villæ sunt juris, ut possidens perhenniter possideat, et post se heredem cui sibi libuerit præficiat, ea interposita ratione ut, jugi deprecatione pro meæ salutis integritate Dominum interpellando exoret. Erat autem eadem villa cuidam matronæ, nomine *Æthelflæde*, derelicta a viro suo, obeunte illo, quæ etiam habebat germanum quendam, vocabulo **Leofsinum*, quem de Satrapis nomine tuli, ad celsioris apicem dignitatis dignum duxi promovere, Ducem constitutendo scilicet eum, unde humiliari magis debuerat, sicut dicitur. "Principem te constituerunt, noli extolli" et cætera. Sed ipse hoc oblitus, cernens se in culmine majoris status † subrogatu famulari sibi pestilentes spiritus, promisit, superbiæ scilicet et audaciæ quibus nichilominus ipse se deditit, in tantum ut floccipenderet quin offensione multimoda me multoties graviter offenderet. Nam præfectum meum *Ælficum* quem Primatem inter

† Sic.

* *lege*, *Leofsinum*.

primates meos taxavi, non cunctatus in propria domo ejus, eo inscio perimere, quod his accomplices. His nefarium et peregrinum opus est apud Christianos et Gentiles. Peracto itaque sister Ethelfleda affords scelere ab eo, inii consilium cum sapientibus regni mei, petens ut quid fieri placuisset him counsel and assistance, in consequence de illo decernerent, placuitque in commune nobis eum exulare et extorrem a nobis whereof she forfeits all fieri cum complicitibus suis. Statuimus etiam inviolatum fœdus inter nos, quod qui her property. præsumpsisset infringere, exhereditari se sciret omnibus habitis, hoc est, ut nemo nostrum aliquid humanitatis vel commoditatis ei sumministraret. Hanc optionis electionem post habitam, nichili habuit soror ejus *Æthelflæd*, omnia quæ possibilitatis ejus erant, et utilitatis fratris omnibus exercitiis studuit explere, et hac de causa aliarumque quam plurimarum exheredem se fecit omnibus. Sit ergo prædicta donatio ab omni †mundiali servitio immunis, excepto quod omnibus est generale terris, pontis videlicet vel arcis recuperatione et expeditione.

Anno ab incarnatione Domini, Mill. xii. indictione x. caraxatum est hoc polipticum et signaculo crucis insignitum, his testibus magnifice firmiterque adamantino stilo firmantibus. Ego *Æthelredus* Rex *Anglorum* præfatam terram, pro amore Dei ejusque genitricis et perpetuæ Virginis Mariæ, *Godwino* episcopo cum vivificæ crucis vexillo impressam libens concessi. Ego *Ælfgyfu*, Regina, domini mei Regis dono arrisi. Ego *Wulfstan*, Archiepiscopus, cum coepiscopis nostris et filiis Regis, et abbatibus et ducibus et militibus, quorum nomina inserta sunt corroboravi. Ego *Eadnoth*, Episcopus. Ego *Athulf*, Episcopus. Ego *Athelwoldus*, Episcopus. Ego *Ælfgar*, Episcopus. Ego *Godwinus*, Episcopus. Ego *Æthelfic*, Episcopus. Ego *Brihtwoldus*, Episcopus. Ego *Leuing*, Episcopus. Ego *Alfhun*, Episcopus. Ego *Ælmar*, Episcopus. Ego *Wulfgar*, Abbas. Ego *Ælfsi*, Abbas. Ego *Brihtmær*, Abbas. Ego *Ælfwi*, Abbas. Ego *Ælfsi*, Abbas. Ego *Edric*, Abbas. Ego *Brihstan*, Abbas. Ego *Eadmær*, Abbas. Ego *Æscytel*, Abbas. Ego *Eadric*, Dux. Ego *Uhtred*, Dux. Ego *Leofwine*, Dux. Ego *Ælfric*, Dux. Ego *Æthelmær*, Dux. Ego *Syferth*, Miles. Ego *Æthelweard*, Miles. Ego *Godwine*, Miles. Ego *Morcar*, Miles. Ego *Ælfgar*, Miles. Ego *Wada*, Miles. Ego *Ulfkytel*, Miles. Ego *Thurkytel*, Miles. Ego *Æthelwine*, Miles. Ego *Adelwold*, Miles. Ego *Ælmar*, Miles.

Confirmation by the Members of the Witenagemot, amongst whom are Syferth and Morcar the chief Thanes of the Danish Burghs.

(Textus Roffensis, pp. 136, 137, 138.)

* This event took place in 1102. Dux *Leofsiuus* (Sax. Chron. p. 175, *Leofsige*) nobilem virum *Eaficum*, summum regis præpositum occidit, unde Rex irâ succensus, patria illum depulit. (Flor. Wigorn.) In the Saxon Chronicle *Alfic* is called the King's "Heah-gerefa." It will be recollected, that *Leofsige* appears in another of Ethelred's charters (p. cxxvii.)

(18.)

"It is witnessed in this writing, how King CANUTE gave up to Christ's Church, at Canterbury, that land at Folkstone, when *Eadsi* his priest turned monk there, upon this condition, that *Eadsi* the monk shall have it during all his lifetime. But he may neither give it nor sell it, nor lose it by default, nor forfeit it, so as to defeat the right of the convent. And after his days are ended, let the land go to the ministers who serve God in Christ's Church."

Translation of a charter by which Canute restores certain lands to Christ's Church, Canterbury.

"Canute so settled the land," the charter then states, "because his Witan informed him that the land had belonged to Christ's Church in the days of King Athelstane, and Archbishop Odda, and had since been tortiously usurped."

"This was done at Kingston, in Surry, on the Holy Day of Pentecost, and the following are the witnesses thereof: *ÆLFGIVA IMMA*, the Lady. Archbishop *Ægelnoth*. *Ælfuine*, Bishop of London. *Ælfsi*, Bishop of Winchester. *Ægelric*, Bishop of *Sussex*. *Ælmar*, Abbot of *St. Augustine's*. *Wulnoth*, Abbot of *Westminster*. *Ælfwine*, Abbot of *Newminster*, and *Wulfsi*, Abbot of *Cuhertsey*. Earl *Ulf*—Earl *Eglaf*—Earl *Lyfwine*—Earl *Harold*—Earl *Yric*. *Thored*, the 'Stallere.' *Agamand*. *Osgod Clapa*. *Tosig*. *Ægeluine*, the son of *Ælfhelme*. *Siward* of *Cilleham*. *Ægilric Bigga*. *Ælfward*, the Kentish Man, and *Eadmer*, of *Binham*. And all the King's Counsellors, Clerks, and Laymen, who were there assembled*. And of this writing there are three parts. One is kept in Christ's Church, another in the Abbey of *St. Augustine's*, and the third is in the King's 'Halydome,' i. e. amongst the relics in his chapel." (Bib. Lamb. No. 1212, p. 408.)

* "Ealle þær kýnzer poedgyran gehaðode and læpeðe þe þær geramnod pæron." I may here remark, that an ancient register of Canterbury cathedral contains many inedited documents of great interest and value. By another charter (Somner's *Gavelkind*, p. 213), *Eadsi*, styled the priest of *Canute*, King, and of *Elgiva*, the Lady, settled many other large possessions upon the Church of Canterbury, "and thereof are witnesses—the King and the Queen, Archbishop *Ethelnoth*, and *Ælfstan*, the Abbot, and *Brihtric*, 'geonga,' or the young, and *Ethelric*, the Husbandman, and *Thurth*, *Thurkill's* nephew, and *Tofi*, and *Elfwin*, the priest, and all the King's rædesmen."

(19.)

Lyvyngus, Bishop of Worcester, with the consent of King *Hardicannute*, and *Leofric* Duke or Earl of the Mercians, grants *Elmley* to his true man, *Ægelric*, for three lives.

Confirmation by the Witenagemot.

Ego *Lyfing*, superni Rectoris fultus juvamine, in *Wiogorna* civitate ecclesiæ, cum licentia *HEARDECNUTI*, Regis, ac *LEOFRICI*, Ducis *Merciorum*, meo fidei homini qui † agnoscitis noto *Aegelric* † nuncu vocabulo ob ejus fidele obsequium quandam ruris particulam, Duas videlicet mansas in loco quem illius terræ soliculæ, *Elmlæh* vocitant, libenti concedo animo, cum omnibus ad re rite pertinentibus ut ipse vita comite fideliter perfruatur. Et post vitæ suæ terminum duobus quibus voluerit cleronomis derelinquat. Quibus etiam ex vita migratis, rus prædictum ad usum primatis ecclesiæ in *Wiogorna* civitate restituatur immunis. Sit autem prædicta terra libera ad omni seculari negotio, tribus exceptis, id est expeditione, pontis arcisve edificatione.

Ego *HEARDECNUT*, Rex, præfatam donationem concessi. Ego *Aelfric*, Archiepiscopus, cum caractere sanctæ crucis consignavi. Ego *Etsie*, Archiepiscopus, confirmavi. Ego *Lyfing*, Episcopus, dignum duxi. Ego *Aethelstan*, Episcopus, addesco. Ego *Duduc*, Episcopus. Ego *Aelfweard*, Episcopus. Ego *GODWINE*, Dux. Ego *LEOFRIC*, Dux. Ego *HARALD*, Dux. Ego *Godwine*, Abb. Ego *Aelfric*, Abb. Ego *Aelfwine*, Abb. Ego *Athelwine*, Sacerd. Ego *Etstan*, Sacerd. Ego *Wulfwi*, Sacerd. Ego *Wulfweard*, Sacerd. Ego *Wilstan*, Sacerd. Ego *Wulfstan*, Sacerd. Ego *Leofwine*, Diacon. Ego *Edwi*, Diacon. Ego *Odda*, Miles. Ego *Bryhtric*, Miles. Ego *Aelfric*, Miles. Ego *Bryhtric*, Miles. Ego *Bryhtwine*, Min. Ego *Leofric*, Min. Ego *Aethelric*, Min. Ego *Dodda*, Min. Ego *Atsere*, Min. Ego *Aelewi*, Min. Ego *Eadwi*, Min. Ego *Thuri*, Min. Ego *Wigod*, Min. Ego *Godric*, Min.

(Smith's *Bede*, App. p. 780.)

† Sic.

SYMBOLS OF INVESTITURE.

IN supposing that there was originally a consistent system of symbols, by which land was transferred, we must bear in mind that these tokens would apply to the *relative* estate of the parties to the transaction. In Scotland, the vassal who alienates his feud, gives seizin to the grantee, by the delivery of earth and stone,—he transfers all the possession which he has. But when he resigns that same feud into the hands of his superior, the tradition of the usufruct is made “per fustem et baculum.” A remarkable instance of seizin given by symbols is found in the life of St. Birlanda. The unkind, delicate, and fastidious maiden refused to consort with her leprous father. Oidelardus revenged himself by disinheriting the undutiful child, and transferred all his domains, with all the villains thereupon, to St. Gertrude, by placing all the symbols of property upon her shrine,—a turf, a twig, and a knife,—indicating that all his estate was alienated to the monastery¹²¹.

Application of Symbols
[(p. 141.)]

Examples of seizin
given by symbols.

When Tassilo submitted to Charlemagne, and renewed his vassalage, he surrendered his dominions by delivering a staff, at the head whereof was the image of a Man—perhaps an ancient idol¹²².

Amongst the Danes, according to Kofod Ancher, the learned commentator upon the laws of that nation, the ceremony called “Skjodning,” was indispensable to the transfer of property. A turf or clod was cast or “shot” by the Grantor into the cloak or hood of the Grantee. This act could only take place in full

¹²¹ Acta Sanctorum Feb. Vol. I. p. 379. This transaction took place in the reign of Dagobert. The annotator remarks, that in many Belgic districts, the distinction which I have noticed (p. 141) was strictly observed. The soil was transferred by the delivery of the turf; the usufruct, or qualified estate, by the staff.

¹²² Annales Nazariani, ad annum 787, Recueil des Historiens, V. p. 12.

court, or in some assembly of equivalent publicity. Proof that the earth had been duly delivered, was proof of the title to the land ¹²³. The knife, or rather a dagger, occurs not unfrequently in the ¹²⁴continental grants,—and the “small silver sword,” as it is called, by which Gillespie Moir received investiture from Culen, the Scoto-Pictish King (A. D. 965), is a weapon of this description. ¹²⁵ The actual delivery of the symbols is rarely noticed in terms, in the Anglo-Saxon “land-bocs;” but I may remark, that no argument whatever can be drawn from their silence. Livery of seizin is never mentioned in the early feoffments at Common Law ¹²⁶, though the charter would have been wholly inefficacious, if the ceremony had not been duly performed.

¹²³ Ancher's History of the Danish Law, vol. ii. p. 415.

¹²⁴ Du Cange, vol. iii. p. 1523.

¹²⁵ Archæologia, vol. xi. p. 46.

¹²⁶ In comparatively recent times, it became the practice to endorse a memorandum of livery of seizin on the deed.

SUMMARIES OF ANGLO-SAXON HISTORY.

THE following Summaries are intended to display the succession of the Rulers who governed the several states composing Anglo-Saxon Britain; together with an indication of the principal events connected with their progress or decay, their subjection or supremacy; and I hope these Tables will not be without their use, in enabling the reader to gain a clearer idea of the general course of Anglo-Saxon history, than can be obtained when the whole is blended into one narrative. From the complicated involution of the affairs relating to the different Kingdoms, it would be tedious to write complete histories of each state down to the time of the Norman Conquest; for as they were almost always engaged in warfare with each other, every battle would become a twice told tale. Yet the streams, if I may use the expression, continue, in great measure, distinct to the last; and it is very important that such their distinct and separate existence should be clearly understood and comprehended.

One of the most important of the objects to be answered by these chronological abstracts is that, which, from the want of materials, can only be accomplished in the most imperfect manner. I mean, the display of the succession of the Subreguli, Ealdormen, Dukes, "Comites," and other Vassal-princes by whom the minor states of the Island were ruled.

Of the very numerous Homagers included in this class, and who composed the Witenagemot, or Great Council in each Kingdom, scarcely any notices are preserved in the Chroniclers. The pious and powerful branch of the Royal House of Mercia, who governed the state of "*Hwiccas*," can only be traced by their Charters and Donations; and if one of them, "*Ethelmund*," is

Difficulty of understanding Anglo-Saxon History, unless the student gains a distinct idea of the succession of each state.

Few of the names of the "Subreguli," Dukes, &c. and other dependants, or Vassal Princes, preserved by the Chroniclers. The succession of the Rulers or Subreguli of *Hwiccas* only known from their charters.

noticed in our annals, it is only the accidental mention of an obscure conflict which has placed him in the page of history. And I believe that the great part of my readers will, for the first time in their lives, become acquainted with the existence of a state which must have been quite as important in Britain as the Kingdoms, equally dependent, of Essex and of East Anglia, so familiarly known as portions of the mis-called "Saxon Heph-tarchy."

When Mr. Petrie's invaluable collection shall have appeared, I do not doubt but that it will afford the most ample means for completing a task, which has cost much labour, however unsatisfactory the result, as here presented, may be. I trust, however, that this labour has not been ill bestowed. Our opinions concerning the Anglo-Saxon Legislature are extremely cloudy and indistinct, in consequence of the difficulty which we feel when we attempt to identify and localize the parties. They come like shadows and depart as shadows; and though the Charter may put us in full possession of the roll of the Witenagemot, it does not convey any intelligible idea of the nature of the Senate. All we know is, that the King wore his crown in the midst of a crowd of Chieftains, as strange to us, as the sons of Odin; but their uncouth names will not in the slightest degree enable us to estimate the influence which they may have possessed, or to appreciate the power of the Sovereign by whom they were convened.

But if we can locate any of the Members on the map, or discover their ancestry, or point out the possessions of which they were seized, we can then *realize* the "Meeting of Sages;" and the rank and station of those who can be identified, must be allowed to vouch for the rank and station of their compeers, who enjoyed the same rights, and sat in the same assembly.

By collecting, therefore, the fasti of the different minor states, and by bringing together the names of their rulers, we are

enabled to elucidate the composition of the Supreme Councils of the Anglo-Saxons at different and distant periods, not from theory, but from strict evidence of the classes and orders of which they were composed.

The Annals of Strath Clyde and Cumbria and the Scots have compelled me to enter slightly upon the verge of Celtic history. Amongst the many causes which entangle all inquiries concerning that ancient people, the great uncertainty of the orthography of their proper names is not the least. This source of difficulty has been extremely aggravated by the errors of transcribers; and the monkish writers, in seeking to euphonize and ennoble the denominations of their heroes, have given them still greater distortion.

Corruptions and alterations of proper names.

The name of "Eocha,"¹²⁷ when standing alone and without any affix, is found in nine several forms,—*Eocha*, *Eachach*, *Ethach*, *Eochuid*, *Eoghuid*, *Eokal*, *Ethasi*, *Achajus*, and *Achilaus*. *Eochoidh-Rinnemhail*, or *Eochol-habens-curvum-nasum*, runs the changes through *Heoghed-rinavel*, *Hecged-ronaval*, *Echdach*, *Echadach*, *Eoghed*, and ultimately settles in the well sounding *Eugenius*; and *Gairig* becomes *Girg*, *Girig*, and *Greg*, which last sorry monosyllable expands into *Gregorius Magnus*.

It may be remarked that, though much less fluctuating than the Celtic, the Anglo-Saxon names have been varied by the different dialects of the language. *Oedilberct*,—*Oidiluald*,—*Aelbfled*, in the rude Northern speech of Bede, are softened by Alfred into *Æthelbyrht*, *Æthelwald*, and *Alfred*. According to the idioms of different shires, the names of *Beortnoth*, *Beornoth*, or *Bryhtnoth*—*Æthestan* or *Æthelstan*—*Athelwulf*, *Athulf*, or *Adulf*, applied to the same individuals, and usually considered as various readings or corruptions of the Anglo-Saxon manuscripts, should be valued, as elucidations of the different idioms that have prevailed. And therefore there is great reason to doubt, whether any modern

¹²⁷ Innes, 133.

critic, however great his knowledge may be, can form a good Anglo-Saxon text, by inserting a word from one manuscript and altering the turn of a phrase upon the authority of another; for this process must inevitably produce a medley of the dialects of different periods and of different districts, which would have sounded as uncouth to the Anglo-Saxon ear, as the introduction, *e. g.* of the Scottish of Gawin Douglas into the verses of Dryden's Virgil.

British names written by a Sassenach, or English names by a Briton, are reciprocally deformed by the pronunciation and by the orthography of the respective nations. The Britons, for example, generally add or substitute *g* or *gu* to or for the letter *w*. Thus, by the Cumbrian genealogist (appended to Nennius), *Uffa*, or *Wuffa*, the founder of the East Anglian dynasty, is converted into *Gweccha*.

In all cases we are constantly liable to be led astray by the mistakes arising from the confusion of letters bearing the same form in ancient MSS., such as *n* and *u*; *c* and *t*, &c. Some of these corruptions have become so inveterately fixed in English history, that we hardly know how to remove them; and we almost feel some scruples in expelling Anlaf the Dane, in order to make room for Aulaf or Olave.

These circumstances must be carefully kept in mind; as we may otherwise suppose that authorities contradict each other, though, in fact, they agree. Thus Alfred's genealogies represent *Cuthwin* as the son of *Celm*, not of *Ceawlin*. But Bede (ii. 5,) informs us, that *Ceawlin* was also called *Cælin*, and the error of the transcriber, who united the syllable "*in*" into the letter "*m*," has produced another name.

A correction of a similar nature establishes the authenticity of the record, testifying the submission of the Welch Princes to the jurisdiction of the Anglo-Saxon Crown¹²⁸.

¹²⁸ See Summary of the History of Edward the Elder, p. ccxliv.

Another example may be given, of the light derived from these corrections: Lambard and Wilkins have published a Compact, of which they translate the first paragraph in the following manner: "Hoc est consilium quod Anglicæ nationis sapientes, et Walliæ Consiliarii inter *Monticolas* constituerunt." As, in the course of this document, a *River* is noticed as the boundary between the two nations, their local situation cannot be easily reconciled with the title of the instrument; but by reading "Devnsetan" instead of "Deunsetan," all difficulties disappear, and we find that it is a treaty between the British and English Inhabitants of Devon, and which establishes the very important fact, that the Britons still existed as a people, unmingled with their conquerors.

WESSEX. OLD SAXONS AND JUTES.

- Ælla**, King of Sussex, was acknowledged as Bretwalda¹, from 477 to 514, or thereabouts, and, therefore, during this period, Wessex must be considered as being under his supremacy. (Bede, II. 5.)
- | | | | |
|-----------------------|--|---|------------|
| CERDIC and
CYNRIC. | 494 CERDIC, and CYNRIC his son, "Ealdormen," or Leaders of the "Old Saxons," land at the place afterwards called Cerdic's ore. | } | Ælla. |
| | 501 <i>Porta</i> , <i>Bleda</i> , and <i>Mægla</i> land at <i>Llongborth</i> : slay <i>Geraint</i> , the son of <i>Erbin</i> , Prince or Ruler of "Dyvnaint." | | |
| | 508 CERDIC and CYNRIC attack the Britons under <i>Nazanleod</i> , whom they slay, together with 5000 of his followers. | | |
| | 514 <i>Stuff</i> and <i>Wihtgar</i> , nephews of CERDIC, land. | | |
| CERDIC and
CYNRIC. | 519 CERDIC and CYNRIC defeat the Britons at Cerdic's ford, and assume the government of the districts which they had conquered. | | |
| | 527 CERDIC and CYNRIC defeat the Britons at Cerdic's lea. | | |
| | 530 Isle of Wight taken, and given to <i>STUFF</i> and <i>WIHTGAR</i> . | | |
| CYNRIC. | 534 CERDIC ob.—CYNRIC succeeds to all his dominions—Wight continues as a subordinate kingdom. | | |
| | 552 Sarum taken from the Britons. | | |
| | 556 Battle of Beranbyrig—Britons defeated by CYNRIC, and CEAWLIN, his son. | | |
| CEAWLIN. | 560 CEAWLIN, son of CYNRIC, succeeds on the death of his father. | | |
| | 568 ÆTHELBERT of Kent claims the supremacy of Britain—invades Wessex, but is defeated by CEAWLIN, and CUTHWULF his brother, also called CUTHWIN or CUTHA. About this time <i>CEawlin</i> attains the dignity of Bretwalda. | | |
| CEawlin. | 571 <i>Bedford</i> , <i>Lenbury</i> , <i>Bensington</i> , <i>Aylesbury</i> , and <i>Eynsham</i> , taken from the Britons by CUTHWIN and CUTHWULF. | | |
| | 577 <i>Gloucester</i> , <i>Cirencester</i> , and <i>Bath</i> , taken from the Britons by CEAWLIN and CUTHWULF. | | |
| | 584 Many towns are taken from the Britons, but CUTHWULF is slain. | | |
| | 589 CEOL, or CEOLRIC, son of CUTHWULF, receives a dependent kingdom; perhaps some of the territories which his father had conquered. | | |
| CEAWLIN. | Æthelbert of Kent becomes Bretwalda about this time, which authority he retains till his death, 616. (Bede, II. 5.) | } | Æthelbert. |
| CEOL, or
CEOLRIC. | 591 CEOL, or CEOLRIC, aided by the Britons, and, as it is said, by the Scots, rises against his uncle CEAWLIN, defeats him at <i>Wodnesburgh</i> , and expels him from the kingdom. (Malm.—Flor. Wigorn.—Fordun. III. 29.) | | |
| CEOLWULF. | 597 CEOLWULF, or CEOLF, son of CUTHWULF, succeeds on the death of his brother, CEOLRIC—engaged in continued warfare with the English—the Britons—the Picts and Scots. | | |

¹ In this summary, the name of the Bretwalda, or other paramount Sovereign, is printed in Black Letter, and in the margin opposite to that, which contains the names of the vassal kings or princes; the latter are in Italic Capitals. For those who are independent, but who did not enjoy any Imperial supremacy, Roman Capitals are used.

PROOFS AND ILLUSTRATIONS.

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WESSEX.

CEOLWULF.

CYNEGILS and
CWICHELM.

- | | | | | |
|------------|--|----------------|--|------------------------------|
| Ethelbert. | { | 607 | CEOLWULF defeats the South Saxons. | |
| | | 611 | CYNEGILS and CWICHELM ² , succeed—reign jointly. (W. Malms.) | |
| | | 614 | Battle of Beamdune—Britons defeated by CYNEGILS and CWICHELM ³ . | |
| Edwin. | { | 626 | Five Kings of the West Saxons killed in battle with Edwin, Bretwalda, (617, 633.)
(Bede, ii. 9.) | |
| | | 628 | PENDA, King of Mercia, or South-humbria, invades Wessex. | |
| Oswald. | { | 635 | Oswald, King of Northumbria (whose sister was married to CWICHELM), becomes Bretwalda ⁴ , (635, 642)—Wessex subject to his empire.
Bishopric of Dorchester (Oxon) founded by the assent of CWICHELM. | |
| | | 638 | CWICHELM dies—succeeded by CUTHRED, his son, who, like his father, has the title of King, probably of some appanage, or dependant principality. | CYNEGILS alone |
| Oswio. | { | 643 | CENWEALH (son of CYNEGILS), succeeds on the death of his father—marries the sister of PENDA of Mercia, whom he afterwards repudiates. Oswio, Bretwalda, 642, 670. Wessex subject to his Empire. (Bede.) | CENWEALH. |
| | | 645 | CENWEALH expelled by PENDA. | PENDA.
Cenwealh expelled. |
| | | 648 | CENWEALH, by the help of CUTHRED, son of CWICHELM, recovers his kingdom, and in return for this assistance, he makes a donation to CUTHRED, of 3000 hydes, or townships, near Aescesdune ⁵ , or, as it is otherwise expressed, of one third part of his kingdom. (W. Malms. H. Hunt.) | CENWEALH
restored. |
| | | 652 }
658 } | Britons of the West rise against CENWEALH, and endeavour to regain their ancient freedom. They are defeated at Bradanford on the Avon, and again at "Peonnum," and are driven as far as the river Pedrida. | |
| | | 660 | Bishopric of Winchester founded. | |
| | | 661 | CUTHRED dies: his portion of the kingdom probably reverts to CENWEALH—Death of CENBYRHT, a subregulus of Wessex ⁶ , being the grandson of Ceawlin, and the father of Ceadwalla. | |
| | | 661 | Isle of Wight and "Meanwara Mægthe," in Hampshire, conquered by WULFHERE, of Mercia, and given to ETHELWALCH, or ATHELWOLD, King of the South Saxons. | |
| | | 672 | CENWEALH dies: SEAXBURGH, his queen, succeeds in pursuance of the nomination of her husband, and governs for about a year. | SEAXBURGH. |
| | | | According to Bede, the reign of Seaxburgha was followed by an Interregnum, during which the <i>subreguli</i> , or Ealdormen, divided the kingdom, and held it for about ten years. (Bede.) | Interregnum. |
| | | 674 | ESWIN, great grandson of Ceolwulf, acquires part of Wessex ⁷ . | ESWIN. |
| 675 | ESWIN defeated by WULFHERE, of Mercia. | | | |
| 676 | CENTWIN, the son of Cynegils, succeeds ⁸ on the death of ESWIN. | CENTWIN. | | |

² According to Malmesbury, *Cynegils* and *Cwichelm* were the sons of Ceol, or Ceolric. Florence and the Chronicle represent *Cwichelm* as the son of *Cynegils*.

³ *Redwald*, of East Anglia, became Bretwalda after Ethelbert, but whether immediately upon the death of the latter, in 616, or at some other period, is uncertain.

⁴ *Oswald* ob. 642.

⁵ Which Carte supposes to have been North of the Thames.

⁶ In the Saxon Chronicle he is called *Cenbyrht Cynig*; by Florence he is styled "Subregulus."

⁷ This period of the history of Wessex is remarkably obscure. Malmesbury, who states the succession of Eswin, attempts to reconcile his authorities to Bede.

⁸ Perhaps he now took the whole by survivorship, as he seems to have reigned jointly with Eswin.

- 681 CENTWIN defeats the Britons, and "drives" them to the sea—Men of *Gwent* rebel against him, but are defeated and rendered tributary⁹. (Malm. Vita Aldhelmi.)
- CEADWALLA. 685 } Death of CENTWIN.—CEADWALLA the son of Cenbyrht "of the royal race of
686 } the Gewissi," strives to acquire the kingdom of Wessex, and succeeds, having conquered or expelled the subreguli¹⁰.
- 686 CEADWALLA conquers Kent, Sussex, and the Isle of Wight.
- 688 CEADWALLA resigns his throne, and retires to Rome, where he dies.
- INA. 689 INA the son of *Cenred*¹¹ succeeds to the kingdom, but rather by merit than by hereditary right—reigns 37 years.
- 692 WIHTRED and the men of Kent submit to INA.
- 710 INA, and *Nunna* his kinsman, engaged in battle with the Britons of the West, under *Gerent*, or *Gerontius*.
- 711 Bishopric of Selsea re-founded, and taken from Winchester, in which diocese Sussex was included, whence it appears that the country had been subjected to the supremacy of Wessex.
- 715 Battle between INA and CEOLRED of Mercia at "*Wodnesbeorhe*."
- 721 *Cynewulf* the Atheling slain.
- 722 Invasion of Sussex by INA, in the 32d year of his reign. Queen *Ethelburgha* besieged *Taunton*, which had been built by INA, and *Ealdberht* was driven from Wessex into Surrey. (Flor. Wig.)
- 725 War with the South Saxons—*Ealdberht* the Etheling slain. This *Ealdberht* may have been a competitor for the throne.
- ETHELHEARD. 728 INA resigns his throne¹² in favour of ETHELRED, or ETHELHEARD, of the race of Cerdic, and brother-in-law of *Ina*, being the brother of his Queen—(Malm. Ant. Glast. p. 312.) who succeeds accordingly, by his nomination¹³. *Oswald* the Atheling, also of the royal race of Cerdic¹⁴, opposes his succession, but he is put to flight, and defeated by ETHELHEARD, who thus secures himself upon the throne.

The royal town of Somerton taken by ETHELHEARD.

- CUTHRED. 740 } ETHELHEARD dies, and CUTHRED, his kinsman, succeeds—reigns 14 years.
741 }

⁹ Post biennium *Brittanos* prosecutus est *CENTWINE* Rex de finibus eorum usque ad mare.—(Ethelward II. 9.) 681—*Britones* qui olim totam terram quam nunc Angliam vocant possidebant tunc Anglis famulabantur quorum illi, qui *Northwallos*, id est *Aquilonares Britones* dicebantur, parte *West Saxonum* Regum obvenerant. Illi quondam consuetis servitiis seduli, diu nihil asperum retulere: sed tum rebellionem meditantes, *Kentuinus* Rex tam anxia cæde perdomuit, ut nihil ulterius operarent. (Malm. de Vita Aldhelmi, p. 14.)

¹⁰ Thus Bede, IV. 12, and Sax. Chron.—Flor. Wigorn. states, that he succeeded on the death of Centwine. Before he became King of Wessex, he was engaged in war with Ethelwalch, King of the South Saxons, whom he slew, but he himself was immediately afterwards expelled by "*Berthun*" and "*Athelhun*." (See Sussex.) The Britons claim him as a Briton, see p. 408.

¹¹ For the difficulties attending the elucidation of his pedigree, see p. 408.

¹² Relicto Imperio, ac *Ethelheardo*, de prosapia *Cerdici* Regis commendato. (Flor. Wigorn.)

¹³ Ethelheard already enjoyed the title of a subregulus:—Ego INA, regali fretus dignitate a Domino, cum consilio *Seaburgæ* reginæ et licencia *Beorhwaldis* Dorobernensis ecclesiæ Pontificis et omnium suffraganeorum suorum, necnon etiam hortatu *BALDREDI* et *ATHELARDI* subregulorum . . . Scripta est autem hujus donationis et privilegii pagina anno dominicæ incarnationis septingentesimo vicesimo quinto, indictione quarta sub presencia INE Regis et *Beorhwaldis* Dorobernensis pontificis; venerandorumque antistitum *Danielis* atque *Fordredi* et aliorum quorum nomina inferius annotantur. Ego INA Rex proprie manus subscripcione hanc donationem et libertatem, sub sigillo Sanctæ crucis ratam fieri decerno. Ego *Edelburga*, Regina, consensi. Ego *BALDREDUS*, Rex, confirmavi. Ego *ADELARD*, frater Reginæ, consensi. Ego *Beorhwaldus*, Dorobernensis ecclesiæ Archiepiscopus *Ine* Regis donacionem et libertatem, sub sigillo sanctæ crucis corroboravi. Ego *Daniel*, plebis Dei inspector adquevi. Ego *Fordredus*, Episcopus, signum crucis impressi. *Waldehere*, prefectus, *Bruta*, prefectus, *Ethelheard*, *Umming* prefectus, *Winchelin*, comes, cum presencia populacionis consenserunt et firmaverunt. (Mon. I. p. 26.)

¹⁴ Son of *Ethelbald*, son of *Cynebald*, son of *Cuthwin*, son of *Ceawlin*.

PROOFS AND ILLUSTRATIONS.

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WESSEX.

743 CUTHRED, in alliance with ÆTHELBALD, King of Mercia, fights against the *Wealas*, whom they defeat with great slaughter.

748 *Cynric*, Atheling of the West Saxons, the son of CUTHRED, slain. (Huntingdon.)

Æthelbald.

750 CUTHRED, King of the West Saxons, engaged in war against ÆTHELBALD, the "presumptuous Ealdorman," who, being probably a "subregulus," or vassal-king, attempted to free himself from the homage which he rendered to the Suzerain. CUTHRED obtained a hard-fought victory, and ÆTHELBALD, who had stood against him with a very inferior force, was borne wounded from the field, of which the King of the West Saxons remained the master, for at the same time CUTHRED is said to have *risen* against Æthelbald, the King of Mercia, who had reduced Wessex into a state of dependance.

CUTHRED.

752 The supremacy of Æthelbald over the West Saxons was accompanied with so many acts of vexation and exaction, that CUTHRED and his people were resolved to make a desperate effort for the purpose of relieving themselves from a yoke which had become intolerable. ÆTHELBALD, so lately the enemy of the West-Saxon king, had now become his follower, and the hostile armies met at Beorgford¹⁵, in the Mercian territory. Æthelbald's army consisted of the Mercians, his own people, the men of Kent, the East Saxons, and the East Angles. The men of Wessex were led on by ÆTHELBALD, bearing the Golden Dragon, the ensign of that Kingdom. The conflict was extremely obstinate and bloody, and at length ÆTHELBALD and Æthelbald encountered in single combat. The king of Mercia had hitherto found no equal in prowess, but now his strength was taken from him, and he betook himself to a shameful flight.

CUTHRED.

753 Battle between CUTHRED and the *Wealas*.

754 } CUTHRED dies, and SIGEBERHT, his kinsman, the son of *Sigeric*, succeeds. SIGEBERHT.

755 } (Flor. Wig.) Sigebert retained his authority for only a short time. Neither law nor justice restrained him, and the people would bear his rule no longer. *Cynwulf*, the kinsman of Sigebert, with the aid of the Witan, who took his side, deposed Sigebert from the royal office, and deprived him of his dominions, except *Hampshire*, which he retained¹⁶. One alone of his nobles, the Ealdorman *Cumbra*¹⁷, adhered to him in his misfortunes, when he was abandoned by every

¹⁵ Like many other passages in Huntingdon, his account of the battle seems to be a version from an ancient poem. (p. 195.)

¹⁶ There are some important variations in the versions of this story: *Kenewulfus* de prosapia *Cerdici* Regis oriundus, auxilium sibi ferentibus *West Saxonibus* primatibus, regem illum *Sigebertum* ob multitudinem suorum iniquorum factorum, regno exterminavit, et loco ejus regnavit, unam tamen provinciam quæ *Hamptunscire* dicitur eidem concessit; quam, tam diu tenuit, quoadusque Ducem *Cumbram* qui cæteris diutius secum manserat injuste peremisset.—(Flor. Wigorn.) Post decursum unius anni a quo *Sigebriht* regnare cœperat cujus regni invadens *Cynwulf* abstraxit ab eo et sapientes totius partis orientalis traxit cum eo propter inconditos actus supradicti regis, nec illi derelicta pars potestatis, nisi provincia una quæ *Hamptunscire* nuncupatur (Ethelweard II. 17.) Arripuit regnum *Sigebertus*, vir apud suos sævitia immanis, idemque foris ignavia perinfamis; quocirca omnium odio conspirante, post annum solio deturbatus, meliori locum fecit; sed ut fere in talibus fit, cum magnitudine calamitatis aliquos ad gratiam sui revocasset, eorum virtute provincia quæ *Hamptunshire* dicitur in obsequio detenta.—(Malm. de Gest. I. 2.) *Sigebertus* regis prædicti cognatus, successit ei, sed brevi tempore regnum tenuit. Namque ex præcessoris sui eventibus tumefactus et insolens, etiam suis intolerabilis fuit. Cum autem omnibus modis male tractaret eos, legesque vel ad commodum suum depravaret, vel pro commodo suo devitaret, *Cumbra* consul ejus nobilissimus prece totius populi, querimonias eorum, regi fero intimavit. Quem quia regem suaserat, ut levius populum regeret, et inhumanitate deposita, Deo et hominibus amabilis appareret, mox impia nece jussit interfici: populoque sævior et intollerabilior tyrannidem augmentavit. *Sigebertus* Rex in principio secundi anni regni sui, cum incorrigibilis superbiæ et nequitie esset, congregati sunt proceres et populus totius regni et provida deliberatione, et unanimi consensu omnium, expulsus est a regno. *Kinewlf* vero juvenis egregius de regia stirpe oriundus, electus est in regem. *Sigebertus* vero rex fugatus a suis non minora meritis metuens, in sylvam magnam, quæ vocatur *Andredeswald*, fugiens se abscondit, ubi quidam porcarius *Cumbræ* consulis, nequiter, ut diximus, interfecti, regem absconsum invenit, inventum cognovit, cognitum domini sui vindex occidit.—(Hen. Hunt.)

It cannot fail to be observed, that according to one set of narratives, *Sigebert* was expelled by *Cynwulf*, with the help of the party whom the latter had raised; but that, according to the other, his deposition was the result of a formal judgment.

¹⁷ In a Charter granted by "*Cudredus*," Rex West Saxonie, to the Abbey of Glastonbury, A. D. 745, this very *Cumbra* signs among the nobles by the title of "Præfectus Regis." (Mon. I. 42.)

one else, and this faithful follower was slain by the cruel King. CYNEWULF, and the men of Wessex, then attacked SIGEBERHT again, and he fled to the forest of Andred where he lurked, and concealed himself in the wilds. There he was recognised by a swineherd, the servant of *Cumbra*, who revenged his master by stabbing his murderer with a spear, at the place which is called "Pryfetes flodan."

766 About this time CYNEWULF was engaged in warfare with the "gens Cornubiæ."¹⁸ The Chronicle notices many "hard battles with the Britwealas," without any dates or particulars.

775 Battle between CYNEWULF and OFFA, King of Mercia, at *Bynsentun*, or *Bensington*, the latter is victorious, and gains the town, which therefore seems to have belonged to *Wessex*.

785 } *Cyneheard*, the brother of *Sygeberht*, the deposed King of *Wessex*, did not follow his
786 } brother, but remained in possession of the rank of an Atheling, and probably with a dependant principality. About this time he excited the jealousy of CYNEWULF, who tried to expel him, but as it seems without success, and he, in return, caused Cynewulf to be slain¹⁹. Cynewulf reigned 31 years, and his corpse lies at Winchester, and the Atheling's at Axminster—both were of the royal line of Cerdic.

BEORHTRIC.

Cynewulf was succeeded by BEORHTRIC, also of the royal line of Cerdic.—*Egbert*²⁰, the son of *EALHMUND*, or *ALCHMUND*, King of Kent, had, or claimed, a better title to the throne, and BEORHTRIC having made attempts upon his life, *Egbert* fled to the dominions of OFFA, where he found protection and refuge.

786 BEORHTRIC succeeds as abovementioned, and reigns 16 years.

787 BEORHTRIC married to *Eadburgha*, daughter of OFFA. The Northmen land at Dorchester²¹.

¹⁸ As appears from a charter dated A.D. 766, by which "*Cynewulfus*, Occidentalium Saxonum Rex," grants certain lands to the Church of Wells, "pro expiatione delictorum meorum, nec non, quod verbo dolendum est, pro aliqua vexatione inimicorum nostrorum *Cornubiorum* gentis, consensu episcoporum et satraparum meorum." (Mon. II. 285.)

¹⁹ The history of Cynewulf's death affords a very curious picture of Anglo-Saxon manners, and Anglo-Saxon feeling.—It chanced to come to the knowledge of the Atheling, that Cynewulf, accompanied by a very few attendants, was dallying in the bower of his lady, at Merton, and he immediately collected his party, and they rode there in great confidence. When they arrived at Merton, all those within the dwelling were asleep, and the Atheling and his men surrounded the same before any of the King's men were aware of them. But the King, discovering the presence of his enemies, leaped from his couch, and grasping his sword, he opened the door of the chamber and withstood his assailants most bravely. Seeing the Atheling, the King rushed upon him and wounded him grievously, whereupon they all attacked the King, and slew him. When, from the outcry of the women, the King's Thanes became aware of the tumult, they hastened to the spot, and there they found the King dead—him whom they had so lately left alive—and drawing their weapons, they pressed to attack his murderers. *Cyneheard* spoke them fair—offered them land and fee if they would turn to him, but in vain—not one of them would hearken, and they fought on until all were slain, except a British hostage, and he was sorely wounded. On the following morning, when the King's Thanes who had remained behind, heard that that he was slain, they all rode to Merton, under *Osric*, his Ealdorman, and dear friend, and *Wigferth*, his Thane, and they encountered the Atheling in the Burgh, where the King was lying dead. But they found the gates locked against them, and *Cyneheard* spoke them fair, and offered them land and fee if they would grant him the Kingdom. Their own kith and kin were with him, he added, who would not leave him, but were ready to die with him, and they answered that no kith or kin could be more dear to them than their own liege lord, and never would they follow his murderer. And addressing their own kith and kin who were of the part of *Cyneheard*, they prayed them to leave him without harm to themselves, whilst yet they might. And they answered, one and all, that which you offer unto us, we offered unto your companions, who were slain with the King. But as they would not listen to our request, even so must we turn a deaf ear to yours. When they who were without heard these words, they attacked the gates, and brake them down, and they entered and slew the Atheling and all who were with him, eighty-four in number, except one, who was the Ealdorman's godson, and he escaped with his life, though he was grievously wounded.

²⁰ The early adventures of *Egbert* are found only in Malmesbury.

²¹ It is possible, that during the short reign of *Ecgrith*, the son of *Offa*, the King of Wessex became his vassal, as will appear from the following signatures, extracted from one of *Ecgrith's* charters. *Athelmund* is probably the King or Duke of *Hwiccas*, or the Marches. *Brorda* was styled "Princeps Merciorum."—(See Mercia and Hwiccas.) *ECGRIDUS*, Deo donante Rex *Merciorum*, *ÆTHELMUNDO* meo fideli principe hanc terram, &c. concedo, &c. *ECGRIDUS*, Rex *Merciorum*. *BERHTRIC*, Rex Occidentalium Saxonum. *Æthelheard*, Archiepiscopus. *Heathored*, Episcopus. *Eadwulf*, Electus. *Forthred*, Abbas. *Brorda*. *ÆTHELMUND*. *Eadgar*. (Hem. 108.)

PROOFS AND ILLUSTRATIONS.

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WESSEX.

799 } BEORHTRIC, and *Worr* the Ealdorman, poisoned by *Eadburga*.
800 }

EGBERT, who had fled, returns from Gaul, and succeeds to the throne²². A peace EGBERT.
concluded between CENWULF of Mercia and EGBERT.

Upon the accession of Egbert he is said to have given the name of "England" to his kingdom,—“A.D. DCCC, Egbertus Rex totius Britanniae in Parlamento apud Wintoniam, mutavit nomen regni de consensu populi sui, et jussit illud de cætero vocari Angliam.”

(Historia foundationis hosp. S. Leonardi, Mon. Vol. VI. p. 608.)

809 EGBERT began his warfare against the Britons, and first directing his attack upon the tribes in the western peninsula, he rendered them tributary to his kingdom; but not without difficulty, as the slaughter is stated to have been very great on both sides. He next (810) obtained the supremacy over the Britons dwelling to the north of the river and estuary of the Severn, and rendered them his tributaries.

Egbertus, cum clementia et mansuetudine subjectorum amorem redimisset, prima virium documenta in *Britannos*, qui eam insulae partem inhabitant, quæ *Cornugallia* dicitur, dedit: quibus subjugatis, *aquilonares Britannos*, qui a prædictis, brachio maris dividuntur, tributarios fecit.

(Malm. de Gestis, II. 1.)

809 *Egbertus*, Rex Occidentalium Saxonum, ad illam regionem quæ *Cornubia* dicitur hostiliter accedens subjugavit eam sibi, et suo adjecit regno, multis hinc et inde interfectis.

810 Eo tempore Rex *Egbertus*, *aquilonares Britannos* subjugavit et tributarios fecit.

(Flores Hist.)

811 After reducing the principalities of the Northern Britons (i. e. South Wales), Egbert invaded the rest of the country, which he plundered and spoiled.

811 Rex *Egbertus* sicut anno præterito *aquilonares Wallenses* compulerat ad solvendum tributum, ita et hoc anno omnes fines pervagando penetrans, ab aquilone usque ad meridiem igne accumulato spoliavit, et sic ad propria remeavit. (Flores Hist.)

813 } The wars between EGBERT and the Britons were renewed, and he “herried” West
814 } Wales from one extremity to another.

823 Battle between the “Weala” and the “Dena,” at “Gafulforda.” The King of the East Angles solicits assistance against *BEORNWULF*, King of Mercia, and they seek EGBERT’S protection. Great battle at *Ellendune*, in which EGBERT gains the victory, but with great loss, and in which *HUN*, the Ealdorman of *Somerset*, is slain. EGBERT sends his son *ETHELWULF* into Kent, together with *Alstan*, Bishop of *Shirburne*, and *WULFHEARD*, his Ealdorman. *BALDRED*, King of Kent, is driven across the Thames. The *Cantware*, the *South Saxons*, *Surrey*, and *Essex* submit to *Egbert*, who appoints his son *ETHELWULF* to be King of Kent; but of which Kingdom *Egbert* retains the supremacy.

823 *Egbertus*, filium suum *Athelulfum*, et *Alhstanum* Scireburnensem episcopum, suumque Ducem *Wulfhardum* cum magno exercitu *Cantiam* direxit, qui Regem ejusdem provinciae *Baldredum* regno expulerunt. Post hæc *Cantuarienses*, *Suthregienses*, *Orientalis Angli*, sponte se Regi dederunt *Egberto*, ex cujus propinquorum manibus, prius extorti, extraneorum regum ditioni per aliquot annorum curricula, inviti sunt subacti. *Orientalis Angli* simul cum suo Regi legatarios miserunt ad Regem *Egbertum*, supplicantes ut patronus illis et fortis esset murus, contra infestationem et impetum *Mercensium*. Qui petitioni illorum acquievit, et se libenter eos adjuturum in omnibus spopondit.

(Flor. Wigorn.—see also Malm. II. 1, as quoted p. ccxl.)

Rex *Orientalium Anglorum*, cum prudentioribus sui principatus, visitat *Egbyrht* Regem, causâ pacis et protectionis, propter metum *Merciorum*. (Ethelward III. 2.)

And in the same year the King of the *East Angles* and the *people* repaired to King *Egbert* “to *fyrthe* and to *mundboran*.” (Sax. Chron.)

827 *Egbertus* Rex Occidentalium Saxonum, misit *Ethelulfum* filium suum cum *Ethelstano* Scireburnensi episcopo, et consule *Wyhardo* in *Canciam*, cum multitudine gravi pugnatorum, qui regem *Baldredum* ultra flumen *Thamesim* fugantes, regnum *Canciae*, cum *Suthsexia*, *Egberto* regi subdiderunt. Hoc etiam anno *Orientalis Angli*, regem *Egbertum* in patronum et dominum susceperunt. *Egbertus* denique unus ex octo regibus fuit, qui totam insulam hanc, ab *Humbro* flumine, ad australem plagam usque ad mare *Gallicum* subjugatam possedit.

(Flores Hist.)

Egbert. 827 } *Egbert* conquers *WIGLAF*, King of Mercia, and subdues all England south of
828 } the Humber. The same year he leads his army against the Northumbrians, who submit to him at *Dore*. *Egbert* is acknowledged as the eighth *Bretwalda*, or Emperor of Britain.

²² This fact appears from the curious notice of the event in the date of a charter. (Heming. 41.)

827 Rex Occidentalium Saxonum *Egbertus*, expulso regno *Wiglafo*, Regnum Merciorum suo subiecit imperio. Deinde suam movit expeditionem ultra Humbri flumen, cui *Northumbrenses*, in loco qui *Dore* vocatur, occurrentes pacifice, ei concordiam humilemque subjectionem obtulere, et sic ab invicem divisi sunt magna mentis alacritate. Hic idem Rex *Egbertus*, octavus quidem in regibus gentis *Anglorum* cunctis australibus eorum provinciis, et quæ *Humbræ* fluvio e contiguis ei terminis sequestrantur a borealibus, imperavit. Nam primus imperium hujusmodi *Ælla*, Rex Australium Saxonum, &c. (See Bede, ii. 5.) Octavus, ut diximus, extitit Rex *Egbertus*. (Flor. Wigorn.)

828 } *Egbert* leads his army against *SWITHRED*, King of *Essex*, and expels him from
829 } his kingdom—attacks the *North Wealas* (i. e. the Britons north of the Severn),
830 } and reduces them to subjection—restores the kingdom of *Mercia* to *WIGLAF*, to be held under him in tributary subjection.

828 *Egbertus*, Rex *West Saxonum*, in terram septentrionalium *Britonum*, exercitum duxit, et eos, licet invitos, suo domino subjugavit. Rex *Wiglafus* regnum Merciorum recepit. (Flor. Wigorn.)

828 *Ludicano*, rege *Merciorum*, à rege *Egberto* interfecto, *Wilafus* successit ei in regnum. Qui continuò à rege *Egberto* expulsus, annis tribus exulavit. Quo etiam tempore, idem *Egbertus*, *Swithredum* regem Orientalium *Saxonum*, debellavit, et à regno fugavit. *Swithredo* quoque fugato, regnum illud, reges *Westsaxonum* tenuerunt. (Flores Hist.)

Rex *Egbertus*, motus pietate, *Wiglafo* Regi Merciorum, *Merciam* concessit teneri sub se. (Mailros.)

828 *Egbertus*, Rex Occidentalium *Saxonum*, motus pietate concessit Regnum *Mercie* *Wiglafo*, quem bello conquiesierat. Item, *Northwallenses* eodem anno subjugat. (Chron. Johannis Abb. S. Petri de Burgo.)

Fervente adhuc victoria, *Ethelwulphum* filium cum *Alstano* Episcopo *Shireburniæ*, et electa manu in *Cantiam* misit, qui provinciam, seu longo sopitam otio, seu virtutum suarum exanimatam nuncio dominatui *Westsaxonico* adjicerent. Missi efficaciter imperatis institerunt, regionemque, quaquaversum finibus suis cingitur, pervagati, minimoque labore *Baltredo* rege ultra *Tamensem* fluvium expulso, *Cantiam*, *Southeriam*, *Australes* et *Orientales Saxones*, qui quondam ad antecessorum suorum jus pertinebant, suæ parti subdidere, anno regni ejus vigesimo quarto. Nec multo post *Orientales Angli* auxilio *Egberthi* animati, Reges *Merciorum*, *Bernulphum* et *Ludecanum* continuatis exceptos insidiis, trucidarunt. Causa cedis fuit, quod ipsi solita contumacia fines externos inquietarent. Eorum successor *Wihlafus*, primo ab *Egberthi* regno fugatus, mox in fidem tributariam acceptus, principatum *Westsaxonum* ampliavit. Eodem anno *Northumbri*, qui se solos remansisse, et omnium digito notari cernerent, timentes ne diu conceptam iram in ipsos effunderet, tandem, vel sero, datis obsidibus faverunt deditiōi. (Malm. De Gestis, lib. ii. cap. i.)

829 Cum *Egbertus*, Rex Occidentalium *Saxonum*, omnia Australia *Angliæ* regna obtinuisset, exercitum grandem in *Northumbriam* ducens, provinciam illam gravi depopulatione contrivit regemque *Eandredum* statuit sub tributo.

830 Rex *Egbertus* potentissimus, exercitum ducens in *Walliam* copiosum, *Wallenses* omnes, cum regibus suis, suæ ditione spontanea voluntate subiecit. Eodem anno, idem Rex *Egbertus*, misericordia motus, *Wilafu* rege *Merciorum* concessit, ut regnum suum de eo teneret sub tributo. (Flores Hist.)

835 Danes land in West Wales, or Cornwall, and are joined by the Britons. *Egbert* defeats their united forces at *Hengist Dune*.

ETHELWULF.

836 *Egbert* dies after reigning 37 years and 7 months—his dominions are divided between *ETHELWULF* and *ATHELSTANE*. The first takes *Wessex* proper, the last *Kent*²³, *Essex*, *Sussex*, and *Surrey*.

It will be seen from the following passages that *Athlestane* is considered by some authorities, as the son of *Egbert*, and by others as his grandson, the son of *Ethelwulf*. The question is involved in much perplexity. (See Kent.)

836 *Egbertus* Rex Occidentalium *Saxonum* obiit cujus post mortem filius suus *Ethelwulfus* in *West Saxoniam* regnare cœpit, suumque filium *Ethelstanum*, *Cantuariis*, *East Saxonibus*, *Suthregiis*, et *Suth Saxonibus*, regem præfecit. (Flor. Wigorn.)

836 *Athelwulfus* filius *Egberti*, suscepit Regnum *Westsaxonum*, et alter frater ejus *Athelstanus*, Regnum *Cantiæ*. (Mailros.)

837 Eodem anno Rex Occidentalium *Saxonum*, *Egbertus*, expletis in regno annis 37 et mensibus septem ex hoc sæculo transiens, apud *Wintoniam* sepulturam accepit, cui, succedens *Æthelulfus* filius ejus, quem quidem *Eadulfum* appellant, viginti annis et quinque mensibus imperavit. Iste *Æthelulfus* de regina sua quatuor filios inclytos generavit, quorum primus dicitur est *Eadbertus*, secundus *Æthelbertus*, tertius *Æthelredus*, quartus *Ælfredus*, qui omnes post

²³ Upon his death, this Kingdom reverted to *Ethelwulf*, who took the titles of "Rex Occidentalium *Saxonum* necnon et *Cantuariorum*," in such charters as concerned the latter people. (See Kent.)

patrem per ordinem regnaverunt; Quintum habuit filium nomine *Æthelstanum* non de matrimonio generatum, cui pater *Æthelwulfus*, omnia regna quæ ejus genitor *Egbertus* potenter adquisierat, contulit, *Occidentalium Saxonum* solummodo ipse contentus regno.

(Flores Hist. p. 155.)

Ecgbrihtus, Rex magnus et monarcha Britanniae decessit, regnorum quæ in manu propria tenebat, filios fecit hæredes *Ethelwulfum*, super *Wessex*, *Ethelstanum* vero, super *Kent*, *Sussex*, et *Essex*. (Hoveden.)

852 } **ETHELWULF**, at the request of Beohred, King of Mercia, subdues the Britons **ETHELWULF**.
853 } who dwell between Mercia and the Western Sea. Beohred marries *Athelswitha*,
the daughter of **ETHELWULF**. **ETHELWULF** travels to Rome with
ALFRED, who receives the regal consecration from Pope *Leo*²⁴. (Asser. 7.)

854 } **ETHELBALD**, eldest son of **ETHELWULF**, *EANWULF*, Ealdorman of *Somerset*, **ETHELWULF**.
855 } and *Alstan*, Bishop of *Sherborne*, conspire against **ETHELWULF**. The kingdom **ETHELBALD**.
is divided—**ETHELBALD** obtains the Western dominions, or Wessex proper,
and **ETHELWULF** retains the Eastern dominions, i. e. *Kent*, &c. with supremacy
over his son.

Omnium astipulatione nobilium, adunatum antea regnum, inter patrem et filium dividitur, et Orientales plagæ patri, Occidentales filio e contrario deputantur. Ubi enim pater justo judicio regnare debuerat, illic iniquus et pertinax filius regnabat; nam Occidentalis pars *Saxonie* semper Orientali principalior est. (Asser. 9.)

856 } **ETHELWULF** dies—**ETHELBERT**, his second son, succeeds to *Kent*, *Essex*, **ETHELBALD**.
857 } *Surrey*, and *Sussex*. (See *Kent*.) **ETHELBALD** to the supremacy of *Wessex*.

860 **ETHELBALD** dies—**ETHELBERT** succeeds to all the Kingdoms which his brother **ETHELBERT**.
had held. Reigns five years.

865 } Death of **ETHELBERT**.
866 }

866 **ETHERED**, brother of *Ethelbert*, succeeds to the kingdoms of *Wessex* and of **ETHERED**.
Kent, with their dependancies, in preference to *Ethelwald*, son of *Ethelbert*.

868 Previously to this time *ALFRED* appears to have borne the title of King, and to have
exercised certain powers of government, though in subordination to his brothers.

871 Battle of *Ashdown*. The Danes prevail, and the men of Wessex are compelled to **ALFRED**.
make peace with the enemy. **ETHERED** dies about Easter, after reigning five
years. **ALFRED**, who until that time had held a "secondary authority," succeeds.

Eodem anno *Ælfred* supra memoratus, qui usque ad id temporis, viventibus fratribus suis secundarius fuerat, totius regni gubernacula, divino concedente nutu, cum summa omnium illius regni voluntate, confestim, fratre defuncto, suscepit. (Asser. p. 24.)

876 Danes, defeated by **ALFRED**, engage to evacuate Wessex, but break their engage-
ment.

877 Danes occupying *Exeter*, enter into a truce with **ALFRED**, which they violate.

²⁴ 853. *Burhredus*, Rex *Merciorum*, per nuntios deprecatus est *Æthelwulfum*, *Occidentalium Saxonum* regem, ut ei auxilium conferret, quo, *mediterraneos Britones* qui inter *Merciam* et mare occidentale habitant dominio suo subdere potuisset, qui contra eum immodice reluctabantur. Nec segnius *Æthelwulfus* Rex (legatione ejus accepta) exercitum movens *Britanniam* cum *Burhredo* rege adiit, statimque ut ingreditur, gentem illam devastans, dominio *Burhredi* subdit. (Asser. 6. Flor. Wigorn. p. 583.)

Igitur post triennium *Burhred* Rex subsidium deprecatus est ab *Athelwulfo* Rege, ad subjiciendum aquilonales *Britannos*; ipseque concessit, et congregato exercitu ejus trans *Merciorum* profectus est regnum, contra *Britannos*, quos et superatos constituit sub tributo. (Ethelward, III. 3.)

"This year, *Burhred*, King of *Mercia*, and his Witan, besought King *Ethelwulf* to assist him, that he might reduce the *Northwealas* to obedience: and he did so, and proceeded with his forces across *Mercia* against the *Northwealas*, and they all rendered obedience to him." (Sax. Chron.)

It should seem from the following testimony of the Welsh historian, that the subjection of the Britons was of old standing, for the term of "ancient tribute" could scarcely apply to any tribute imposed during this war:—876 Roderic having divided his principality between his three sons, namely, *Aberfraw* to *Anarawd*, *Dinefawr* to *Cadell*, and *Powys* to *Merfyn*, ordained that his eldest son, *Anarawd*, and his successors, should continue the payment of the ancient tribute to the Crown of England; and the other two, their heirs and successors, should acknowledge his sovereignty. (Wynne's *Caradoc*, p. 35.)

WESSEX.

ALFRED. 878 About this time almost all Wessex was occupied by the Danes. ALFRED, driven into the wilds of *Somersetshire*, raises his forces—defeats the Danes at *Ethandune*—they agree to quit his kingdom—*GORM*, or *GUTHRUN*, baptized.

880 } The Danes under *GUTHRUN* quit *Cirencester*, and return to *East Anglia*: they
883 } settle themselves in the land, and divide it.—A treaty concluded with ALFRED confirmed them in their possessions; it defined the boundaries of the English and Danish territories—from “our border” near the Thames to the *Lea*—along the *Lea* to its source—thence to *Bedford*, and then along the *Ouse* to *Watling street*. This large district, which included the whole of *East Anglia*, and some parts of *Essex* and *Mercia*, became the kingdom of *GUTHRUN*.

883 *GUTHRED* appointed King of Northumbria by the assistance of ALFRED.

Alfred. 886 *Mercia* is governed by *ETHELRED* as Ealdorman, in subordination to Alfred. All England, except that part which was kept under by the Danes, turns to Alfred: the British Kings having also become his vassals.

Illo enim tempore, et multo ante, omnes regiones dexteralis *Britanniæ* partis ad *Ælfred* regem pertinebant, et adhuc pertinent: *Hemeid* scilicet, cum omnibus habitatoribus *Demetice* regionis, sex filiorum *Rotri* vi compulsus, regali se subdiderat imperio. *Houil* quoque filius *Ris*, Rex *Gleguising*, et *Brochmail*, atque *Fernail* filii *Mouric*, reges *Guent*, vi et tyrannide *Eadred* comitis et *Merciorum* compulsi, suapte eundem expetivere regem, ut dominium et defensionem ab eo, pro inimicis suis haberent. *Helised* quoque filius *Teudyr*, Rex *Brechonia*, eorundem filiorum *Rotri* vi coactus, dominium regis præfati suapte requisivit. *Anaraut* quoque filius *Rotri*, cum suis fratribus ad postremum amicitiam *Northanhymbrorum* deserens, de qua nullum bonum nisi damnum habuerat, amicitiam regis studiose requirens ad præsentiam illius advenit; cumque a rege honorifice receptus esset, et ad manum Episcopi in filium confirmationis acceptus, maximisque donis ditatus, regis dominio cum omnibus suis eadem conditione subdidit, ut in omnibus regie voluntati sic obediens esset, sicut *Æthered* cum *Merciis*. (Asser. 50.)

893 } Death of *GUTHRED*—Alfred retains the direct government of Northumbria.
894 }

901—Oct. 28th.—Alfred dies, after reigning 29 years and a half²⁵.

Edward the Elder.

901 Edward, son of Alfred, succeeds, having been selected or chosen by the great men of the kingdom, was crowned at Whitsuntide. *Ethelwald*, son of *Ethelbald*, attempted to contest the succession, or at least to possess himself of part of the country, “without leave of the King or of his Witan,” but being defeated, he fled to the host in Northumbria, who receive him as a king.

Successor equidem tunc Monarchiæ *Eadwardus* filius supra memorati regis, coronatur ipse stemmate regali, a primitis electus, Pentecostes in die, jam defluente se quidem annorum numero centeno, ex quo proavus continebat *Ecgbyrht* præsentia regni. Fatusque videtur numerus annorum ab adventu Christi (humana sumpta carne) nongentesimus pleniter ordo.

(Ethelward, lib. iv. c. iv.)

904 *Essex* submits to *Ethelwald*.

905 *East Anglia* follows the example of *Essex*.

906 } Peace concluded between Edward and the *East Angles*, and the Northumbrian
907 } Danes. (Sim. Dun.)

910 } Danes break the truce—Edward causes the Host of *Wessex* and of *Mercia* to march
911 } against them.

912 On the death of *ETHELRED*, Ealdorman of *Mercia*, Edward retains Oxford and London, with the territories belonging thereto. (See *Mercia*.)

915 Part of *Essex* submits to Edward.

²⁵ The different dates assigned to the death of Alfred afford a singular proof of the uncertainty arising from various modes of computation. The Saxon Chronicle and Florence of Worcester agree in placing the event in 901. The first “six nights before All Saints,” the last, with more precision, “Indictione quarta, et Feria quarta, 5 Cal. Nov.” Simon of Durham in 899, and the Saxon Chronicle, in another passage, in 900. The concurrents of Florence of Worcester seem to afford the greatest certainty, and the date of 901 has therefore been preferred.

918 } Earl THURKYTELL, and the Holdas of Bedford and Nottingham, submit to Edward the Elder.
919 } Edward.

920 } ETHELFLEDA dies—Edward assumes the government of Mercia.
921 }

Earl THURFERTH and the Danes of Northampton, &c. submit to Edward, and take him as their Lord and Protector.

East Anglia and Essex submit to Edward, and the Danes of East Anglia do homage to him.

The King of the Scots, and all the Scots submit to Edward, and choose him as their Lord. The King of the Britons of Strathclyde submits to him, together with REGINALD²⁶, and EALDRED, son of EADULF, of Bamborough, and all the Northumbrians—Danes, Northmen, and English.

Anno Dominicæ incarnationis nongentesimo primo, regnum obtinuit Edwardus, filius Alfredi, et tenuit viginti tribus annis; literarum scientia multum inferior patre, sed regni potestate incomparabiliter gloriosior. Siquidem ille duo regna Merciorum, et West Saxonum conjunxerat, Merciorum nomine tenens, quippe commendatum duci Ethelredo tenens. Iste primum mortuo Ethelredo, Mercios omnifariam, mox Occidentales et Orientales Anglos et Northanimbros, qui cum Danis jam in unam gentem coaluerant, et Scottos, qui aquilonalem insulæ partem inhabitant; Brittones omnes, quos nos Wallenses dicimus, bellis profligatos, suæ ditioni subegit, nec unquam in aliqua pugna humiliorem manum habuit. (Will. Malm. de Gestis, lib. ii. cap. v.)

Rex Edwardus vir mansuetus et pius, omnibus affabilis et amabilis, adeo omnium in se provocabat affectum, ut Scoti, Cumbri, Walenses, Northumbri, et qui remanserunt Daci, eum, non tam in dominum et regem, quam in patrem, cum omni devotione eligerunt.

(Ethelredus Rievallensis de Genealogia Regum, p. 356.)

Edwardus cognomento senior, Scottorum, Cumborum, Stregleduualorum omnesque Occidentalium Brittonum reges, in deditionem accepit. (Sim. Dun. de Gestis.)

921 Rex Scottorum cum tota gente sua, et Reinaldus Rex Danorum Northumbriam incolentium, et Rex Sihtricus, Edwardo regi, fecerunt hominum. (Mailros.)

921 Rex Scottorum cum tota gente sua, et Regnaldus, Rex Danorum, cum Anglis et Danis, Northymbriam incolentibus, Rex etiam Streatgledwallorum, cum suis, Regem Eadwardum seniore, sibi in patrem et dominum elegerunt, firmumque fœdus cum eo pepigerunt.

(Flor. Wigorn. Sim. Dunelm. de Gestis.)

921 Rex Scottorum, Reginaldus, Rex Northumbriorum ex natione Danorum et Dux Galwalensium ad regem Edwardum venientes subjectionem fecerunt, et cum eo fœdus firmissimum pepigerunt. (Flores Hist.)

Processu temporis prius Mercenses omnes, et Danos Merciam inhabitantes, deinceps tres Reges Britonum, videlicet, Howelum, Clitwic, et Juthwal, cum suis populis, in sui deditionem obtinuit. (Flor. Wigorn.)

921 Earl Thurferth, and the Holdas, and all the Host belonging to Northampton, north of the Welland, turned to him, and sought him as their Lord and Mundbora And much people turned to him both of the East Angles and of the East Saxons, who were before under the power of the Danes And all the Host that was in the country of the East Angles swore union with him, that they would all that he would, and defend all that he would defend, either on sea or on land. And the Host that belonged to Cambridge chose him separately for their Lord and Mundbora, and confirmed the same choice with oaths.

And all the people of Mercia, who had before been subjected to Ethelfleda, turned to him.—(922) And the Kings of the “North Wealas,” (i.e. Wales north of the Severn), Howel and Cledauc and Jeothwal, and all the “Northweal-cyn,” repaired to him as their lord.—(924) And the King of the Scots chose him as his father and lord, and all the Scots did the like. And Reginald, and the sons of Eadulf, and all that dwell in the country of the Northumbrians—whether English or Danish, or Northmen, or others.—And the King of the Britons of Strath-Clyde, and all the Britons of Strath-Clyde also. (Sax. Chron.)

924 Invictissimus Rex Anglorum, Danorum, Cumborum, Brittonum, Edwardus cognomento senior obiit, cui successit Athelstanus filius ejus. (Mailros.)

Anno 924, invictissimus Rex Anglorum Eadwardus senior, qui cunctis Britanniam incolentibus, Anglorum, Scottorum, Cumborum, Danorum pariter et Brittonum populis gloriosissime præfuit, post multas res egregie gestas, regni sui anno xxiv. in regia villa quæ Fearndun nominatur, Indictione xv. ex hac vita transiens, Ethelstano filio regni gubernacula reliquit.

(Sim. Dunelm. de Gestis. Flor. Wigorn.)

Anno 924 Rex Anglorum Edwardus, cognomento senior, qui cunctis Britanniam incolentibus, Anglorum, Walanorum, Scotorum, Cumborum, Galwalensium et Danorum populis, potenter præfuit, post multas res egregie gestas diem clausit extremum. (Flores Hist.)

²⁶ A King of Northumbria. This Reginald is afterwards found amongst the members of the Witenagemot of Athelstane.

WESSEX.

Edward the Elder. 922 The Mercians, both Danes and English, submit to Edward.

HOWEL, CLYDAWC, and EDWAL, Kings of the Britons, submit to Edward, and receive him as their Lord, and they are subjected to the jurisdiction of Edward and his Witenagemot.

About this time Edward regains Chester from the rebellious Britons, in which he places a garrison.

The following instrument affords the best testimony of the subjection of the Britons to the supremacy of Edward:—

Insuper autem scitote; quod in uno tempore fuerant *Edgar* Rex totius *Britanniae*, et *Huwel da* et *Morgan hen*: et isti duo tamen erant subjecti Regi *Edgaro*. *Morgan hen* obtinuit quoque tunc temporis, totum *Morgannuc* in pace et quiete: sed *Huwel da* voluit auferre huic *Ystradui* et *Ewyas*, tunc temporis si posset. Quo audito, Rex *Edgarus* advocavit *Huwel da* et *Morgan hen*, et filium ejus *Huweyn*, ad curiam suam; et ibi in pleno consilio Rex *Edgarus* tractavit de litigatione amborum; et repertum est justo iudicio curiae Regis *Edgari*, quod *Huwel da* nequiter egisset contra *Morgan hen*, et filium suum *Huweyn*; et depulsus est *Huwel da* ab his duabus terris; scil. *Istradui* et *Euwias* in perpetuum, sine recuperatione. Et postea Rex *Edgarus* dedit et concessit *Huweno* filio *Morgan hen*, illas duas terras, scil. *Istradui* et *Euwias*, nominatim, in Episcopatu *Landavensi* constitutas, sicuti suam propriam hæreditatem, et illas easdem duas terras, sibi et hæredibus suis, per cartam suam, sine calumpnia alicujus terreni hominis confirmavit. Communi vero assensu omnium Archiepiscoporum, Episcoporum, et Abbatum, Comitum, et Baronum totius *Angliæ* factum est; et quod maledictus esset a Deo patre, qui illas duas terras a dominio *Morgannuc*, et parochia *Landaviæ* unquam separaret. Et quod iterum benedictus foret a Domino Jesu Christo, qui hoc observaret, et a cuncto populo Christiano, a modo et usque in sempiternum, Amen. Insuper scitote, quod Carta illa, quæ illo die facta fuit et scripta, coram Rege *Edgaro* in pleno consilio suo, in Ecclesiam *Landavensem* deposita est. (Mon. vi. p. 1235.)

The original of this instrument is contained in the ancient and remarkable manuscript volume formerly preserved in the Cathedral of Landaff, and also in another historical collection denominated "*Y cwitta Cyfarwydd o Forgannwg*." According to the usual custom of his people, the Welsh scribe, in writing the name of the Saxon Edward, has omitted the final *d*, and substituted a *g* for a *w*.* I make this observation upon the authority of the valuable Genealogical Manuscript (Bib. Harl. No. 4181, and see p. ccxxxii,) which appears to have been compiled with great care. The transaction between the Welsh Reguli and their English Suzerain has been unfairly represented in Wynne's *Caradoc* (p. 58.) The record shows that they were summoned to the Court of the King of Wessex; the Editor of *Caradoc* chooses to tell us, that the matter was referred to his decision by the mediation of the clergy and nobility. It is fortunate for the truth of history that the old clerk of Landaff was more sincere than the modern ancient Briton. *Morgan win mawr*, who, from the great age which he attained, was also styled *Morgan Hên*, obtained the honourable title of one of the three defenders of Britain. *Ystradwy* was one of the Commots of *Brecheinoc*. *Ewias* was afterwards divided into the two Lordships of *Ewias Harold* and *Ewias Lacy*.

Athelstane. 925 ATHELSTANE, the son of Edward, succeeds by virtue of the will of his father, and is elected King of Mercia and of Wessex with the consent of the Optimates—consecrated at Kingston. An opposition is raised against him by one Alfred.

Athelstane's accession is obscurely described. The Anglo-Saxon Chronicle says, "*And Æthestan wæs of Myrcam gecoren to Cynges, and at Cyngestune gehalgod*," which Dr. Ingram translates, "*And Athelstane was chosen King in Mercia, and consecrated at Kingston*." Florence of Worcester, usually agreeing so closely with the Chronicle, has no mention of Mercia. *Athelstanus* vero in *Kingestune*, id est in regia villa, in Regem elevatur. Et honorifice ab *Athelmo* Dorobernensi Archiepiscopo consecratur. Flores Hist. nearly in the same words: *Athelstanus* filius primogenitus apud *Kingestonam* villam regiam, Rex creatus. Malmesbury alludes to the event in the following manner:

Anno Dominicæ Incarnationis nongentesimo vicesimo quarto, *Athelstanus* filius *Edwardi* regnare cœpit, tenuitque regnum annis sexdecim. Frater ejus *Ethelwardus*, paucis diebus post patrem vita decedens, sepulturam cum eodem *Wintoniæ* meruerat. Itaque magno consensu optimatum, ibidem *Athelstanus* electus, apud regiam villam, quæ vocatur *Kingston*, coronatus; quamvis quidam *Alfredus* cum factiosis suis (quia seditio semper invenit complices) obviare tentasset, cujus qui fuerit finis, posterius verbis ipsius regis referemus. Occasio contradictionis, ut ferunt, quod *Athelstanus* ex concubina natus esset. (Malm. de Gestis. II. 6.)

From these passages I think we may infer, that *Athelstane* was first accepted as king by the Mercians, and afterwards by Wessex, and that his coronation or inauguration took place at *Kingston* for both kingdoms. (See Mercia.)

* Thus, Radhod, a Briton, in his epistle to Athelstane, writes the name, *Edguardus* (Malm. Vita Aldhelmi p. 30.) Fordun wholly alters the name into *Edgar*, like the Welsh scribe. (Scotichronicon. VI. 14.)

926 *Athelstane* compels the Kings of Wales to meet him at *Hereford*, and to render *Athelstane*. tribute to him: and the Wye is fixed as the boundary of the English dominions. He afterwards subdues the Britons of *West Wales*—conquers *Exeter*, which they had hitherto held in common with the English, and drives them beyond the *Tamar*. *OWEN*, King of *Gwent*, and *HOWELL*, King of the Britons of the West, and *IUDWALL*, or *EDWAL*, King of all the Britons, become his vassals—he assumes the government of *Northumbria*. The Danish and other Chieftains, amongst whom is *EALDRED*, King or Prince of *Bamborough*, also submit to *Athelstane*, the act of homage being performed at *Emmet*, 4th July. *CONSTANTINE*, King of the Scots, also submits, and attends the Court of *Athelstane* as his man or vassal.

Northwallensium, id est *Brittonum* aquilonalium Regulos, apud *Herefordensium* urbem coegit occurrere, et aliquandiu calcitrantes in deditionem transire. Ita, quod nullus ante eum Rex vel cogitare præsumpserat, ipse in effectum formavit: ut ei nomine vectigalis annuatim viginti libras auri, trecentas argenti penderent, boves viginti quinque millia annumerarent . . . Inde digressus, in occidentales Britones se convertit, qui *Cornewallenses* vocantur: quod in occidentē *Britanniæ* siti, Cornu Galliæ ex obliquo respiciunt. Illos quoque impigrè adorsus ab *Excestra* quam ad id temporis æquo cum *Anglis* jure inhabitabant, cedere compulit, terminum provinciæ suæ citra *Tambram* fluvium statuens, sicut *Aquilonaribus Britannis* annum *Waiam*, limitem posuerat. (Malm. de Gestis. II. 6.)

Regnante *Ealstano*, in monarchiam reducta est *Anglia*, nam et *Northumbria* et *Scotia*, *Cumberlandia* et aliæ quæque partes *Angliæ* potius ad ejus monarchiæ potestatem accesserunt quam cogerentur. (Wallingford, 589.)

Ethelstanus, qui primus Rex *Anglorum* subactis ubique hostibus totius *Britanniæ* dominium obtinuit. (Sim. Dun. Hist. Dun. II. 10.)

926 *Sihtric* died, and King *Athelstane* took possession of the government of the Northumbrians. And he ruled all the kings who were in this island. First, *Huwal*, King of the *West Wealas*, and *Constantine*, King of the Scots, and *Uwen*, King of *Gwent*, and *Ealdred*, the son of *Ealdwulf* of *Banburgh*. And with pledges and with cathes they ratified their compact, at a place called *Emmet*, “iiii Idus Julii,” and renounced all devil-worship. (Sax. Chron.)

Anno gratiæ 926, ignei per totam *Angliam* visi sunt radii, in aquilonari plaga cæli, portendentes mortem turpissimam regis *Sithrici* supradicti, qui non multo post male periit. Cujus regnum *Ethelstanus*, expulso *Guthfertho* filio ejus, suo copulavit imperio: deinde omnes *Angliæ* regulos, *Huwal*, scilicet regem *Britonum*, *Constantinum* regem *Scotorum*, *Uulferthum* regem *Wentorum*, prælio vicit et fugavit. *Ealdredum*, quoque filium *Eadulfi*, de castello *Bebbanberih* exturbavit. Et hi omnes, cum provincialibus aliis, videntes se ejus strenuitati non posse resistere, convenerunt, petentes pacem ab eo, atque idololatriæ renunciantes, fœdus cum ipso firmissimum pepigerunt. (Flores Hist.)

Cum *Sithrico* Rege *Northanhimbrorum*, data ei in matrimonium una ex sororibus, victurum fœdus perculit, quo post annum mortuo, provinciam illam sibi subegit, expulso quodam *Aldulpho*, qui rebellabat. Et quia nobilis animus semel incitatus, in ampliora conatur, *Ludwalum*, regem omnium *Wallensium*, et *Constantinum*, regem *Scottorum*, cedere regnis compulit. Quos tamen non multo post, miseratione infractus, in antiquum statum sub se regnatos constituit, gloriosius esse pronuncians, regem facere quam regem esse. (Malm. de Gestis. II. 6.)

926 Rex *Adelstanus* sorore sua *Sithrico* Rege *Northumbrorum* data, eum in ditionem, cum omnibus *Pictorum*, *Scottorum*, et *Brittonum*, regibus accepit.

(Chron. Johannis. Abb. S. Petri de Burgo.)

926 Rex *Sithricus* obiit, cujus regnum *Athelstanus* adjecit imperio suo, expulso *Guthfertho* filio ejus: regem quoque *Brittonum*, *Huwal*, et regem *Scottorum*, *Constantinum*, et regem *Wentorum* *Wuer*, prælio vicit et fugavit, qui pacem ab eo petentes, firmatum sacramento fœdus, cum eo pepigerunt. (Mailros.)

Anno 926. *Northanhimbrorum* Rex *Sithricus* vita decessit, cujus regnum Rex *Ethelstanus*, filio illius expulso *Guthfertho*, qui patri in regnum successerat, suo adjecit imperio. Omnes etiam reges totius *Albionis*, regem scilicet occidentalium *Brittonum* *Huwal*, dehinc regem *Scottorum* *Constantinum*, regemque *Wentorum*, *Wuer*, prælio vicit et fugavit. Hii omnes ubi se viderunt non posse strenuitati illius resistere, pacem ab eo petentes, in loco qui dicitur *Eamotum*, iv. idus Julii convenerunt, datoque sacramento firmum cum eo fœdus pepigerunt.

(Sim. Dunelm. de Gestis.)

926 *Northanhimbrorum* Rex *Sithricus* vita decessit. Cujus regnum Rex *Ethelstanus*, &c. (ut supra) *Aldredum* quoque filium *Eadulfi*, de regia urbe, quæ lingua *Anglorum* *Bebbanbyrig* nominatur, expulit. Ii omnes ubi se viderunt, &c. (Flor. Wigorn.)

934 Rex *Athelstanus* vastavit *Scotiam* usque *Dunfæder* et *Wertermore* terrestri exercitu, navali vero usque *Catenes*, eo quod *Constantinus* pactum fœderis dirupit. (Mailros.)

934 Strenuus Rex *Anglorum* *Ethelstanus*, quia Rex *Scottorum* *Constantinus* fœdus quod cum eo pepigerat dirupit, classica manu pervasiva et equestri exercitu non modico, ad *Scotiam* proficiscitur. Qui prius sepulchrum Sancti *Cuthberti* adiens, eumque terrarum et aliarum rerum regali donatione honorans, *Scotiam* usque *Dunfæder* et *Wertermorum* terrestri exercitu vastavit,

Æthelstane.

navali vero usque *Cathenes*, eamque maxima ex parte depopulatur. Unde vi compulsus Rex *Constantinus* filium suum obsidem cum dignis muneribus illi dedit, paceque redintegrata Rex in *Westsaxoniam* rediit. (Sim. Dunelm. de Gestis.)

934 *Æthelstanus* Rex, *Scotiam* tendens, cum totius *Britanniæ* exercitu; fugato *Oswino*, (vel *Ewino*) Rege *Cumbrorum*, et *Constantinus*, Rege *Scottorum*: terrestri et navali exercitu, *Scotiam* sibi subjugando perdomuit. (Sim. Dun. Hist. Dun. II. 18.)

934 Strenuus Rex *Anglorum* *Æthelstanus*, quia Rex *Scottorum* *Constantinus*, foedus quod cum eo pepigerat dirupit, classica manu pervalida, et equestri exercitu non modico, ad *Scotiam* proficiscitur, eamque maxima ex parte depopulatur. Unde vi compulsus Rex *Constantinus*, filium suum obsidem cum dignis muneribus illi dedit, paceque redintegrata, Rex in *West Saxoniam* rediit. (Flor. Wigorn.)

926 } King *GUTHFERTH* or *GODFREY*, expelled by *Æthelstane*.
927 }

931 *Æthelstane* holds a very solemn Witenagemot at *Leowton* (Luton?) which is attended by his vassals, the British Subreguli.

ÆTHELSTANUS, Rex *Anglorum* per omnipotentis dexteram totius *Brytanniæ* regni solio sublimatus, &c.

Anno Dominicæ Incarnationis d.cccc°.xxx°.i°. Regni vero gratis mihi commissi . . . Indictione iiii°. Epacta nulla, concurrente v°. ii. idus Novembris, luna xx°. viii°. In villa omnibus notissima quæ *Leowtun* nuncupatur. Episcopis, Abbatibus, Ducibus, Patriæ procuratoribus, regia dapsilitate ovantibus perscripta est. Cujus etiam inconcussæ firmitatis auctoritas his testibus roborata constat quorum nomina subtus characteribus depicta annotantur.

Ego *ÆTHELSTANUS* florentis *Brytanniæ* monarchia prædictus Rex hujus indiculi fulcimentum, cum signo sanctæ semperque amandæ crucis corroboravi et subscripsi. Ego *Wulfheanus* *Dorobornensis* Ecclesiæ Archiepisc. consensi et subscripsi. Ego *Wulfstanus* *Eboracensis* Ecclesiæ Archiepisc. consensi et subscripsi. Ego *HOWEL*, Subregulus, consensi et subscripsi. Ego *IUTHWAL*, Subregulus, consensi et subscripsi. Ego *Ælfwine*, Episc. consensi et subscripsi.* Ego *Eadulf*, Episc. Ego *Cunan*, Episc. Ego *Ælfheh*, Episc. Ego *Sigelm*, Episc. Ego *Cenwald*, Episc. Ego *Beornstan*, Episc. Ego *Oda*, Episc. Ego *Wynsige*, Episc. Ego *Wulfhun*, Episc. Ego *Theodard*, Episc. Ego *Cyneferth*, Episc. Ego *Tidelm*, Episc. Ego *Cynsige*, Episc. Ego *Eadward*, Episc. Ego *Æscherht*, Episc. Ego *Wired*, Episc.

Ego *Ælfwald*, Dux. Ego *Osfert*, Dux. Ego *Aldred*, Dux. Ego *Uhtred*, Dux. Ego *Æscherht*, Dux. Ego *Ælfstane*, Dux. Ego *Uhtred*, Dux. Ego *Urm*, Dux. Ego *Guthrum*, Dux. Ego *Hasard*, Dux. Ego *Gunner*, Dux. Ego *Thurferth*, Dux. Ego *Ælfred*, Dux. Ego *Hadd*, Dux. Ego *Seule*, Dux.

Ego *Ælfric*, Abbas. Ego *Eadwine*, Abbas. Ego *Æthelnoth*, Abbas. Ego *Biorhtsige*, Abbas. Ego *Seaxhelm*, Abbas.

Ego *Odda*, Minister. Ego *Wulfgar*, Minister. Ego *Æthelstan*, Minister. Ego *Ælfheh*, Minister. Ego *Æthelferth*, Minister. Ego *Ælfhere*, Minister. Ego *Æthelwold*, Minister. Ego *Ælfwald*, Minister. Ego *Buga*, Minister. Ego *Ælfric*, Minister. Ego *Beorhtulf*, Minister. Ego *Hefa*, Minister. Ego *Ælfric*, Minister. Ego *Ælfsige*, Minister. Ego *Sigeric*, Minister. Ego *Ætheric*, Minister. Ego *Ælfheh*, Minister. Ego *Swithulf*, Minister. Ego *Wullaf*, Minister. Ego *Athelm*, Minister. Ego *Eadric*, Minister. Ego *Æthelweard*, Minister. Ego *Æthelmund*, Minister. Ego *Ealhhelm*, Minister. Ego *Æthelnoth*, Minister. Ego *Wulfsige*, Minister. Ego *Ealhhelm*, Minister. Ego *Æthelstan*, Minister. Ego *Ælfric*, Minister. Ego *Ælfstan*, Minister. Ego *Wulfric*, Minister. Ego *Æthelmund*, Minister. Ego *Burherd*, Minister. Ego *Wulfsige*, Minister. Ego *Beorhtic*, Minister. Ego *Æthelstan*, Minister. Ego *Æthelm*, Minister. Ego *Wulfnath*, Minister. Ego *Wulfmær*, Minister. Ego *Wulfsige*, Minister. Ego *Wihthgar*, Minister. Ego *Wynsige*, Minister. Ego *Ælfhelm*, Minister. Ego *Ælferd*, Minister. Ego *Wulfric*, Minister. Ego *Æthelweard*, Minister. Ego *Eadulf*, Minister. Ego *Æthelsige*, Minister. Ego *Wiferth*, Minister. Ego *Wulfhelm*, Minister. Ego *Cyred*, Minister. Ego *Æthelstan*, Minister. Ego *Ælfnoth*, Minister. Ego *Æfsige*, Minister. Ego *Æthelstan*, Minister. Ego *Ælfsige*, Minister. Ego *Wulfbold*, Minister. (Museum Charters, viii. 10.)

934 *Æthelstane* holds a Witenagemot at *Buckingham*, in which *CONSTANTINE* of Scotland appears as a Subregulus of his Imperial Crown.

Ego *Æthelstanus*, Rex *Anglorum*, per omnipotentis dexteram totius *Britanniæ* regni solio sublimatus, &c.

Anno Dominicæ Incarnationis D.CCCC°xxxi°. Indictione septima, Epacta xiiii. concurrente ii. idus Septembris, luna xxix. in villa quæ *Bukingham* dicitur, tota magnatorum generalitate sub ulnis regiæ dapsilitatis ovanti prescripta est, ejus etiam inconcussæ firmitatis auctoritas, hiis testibus roborata constat, quorum nomina subtus depicta annotantur. Ego *Æthelstanus*, singularis privilegii gerarchia predictus Rex hujus acumen indiculi cum signo sanctæ semperque adorandæ crucis corroboravi et subscripsi. Ego *CONSTANTINUS*, Subregulus, consensi et subscripsi cum multis aliis. (Mon. I. p. 59.)

* All the other parties sign and confirm in the same form.

935 *Athelstane* invades Scotland—defeats *CONSTANTINE*, King of the Scots, and *EUGENIUS* or *OWEN*, King of the *Cumbrians*, and subdues the whole country. *Athelstane*.

937 } Great battle at *Brunnaburgh*, in which *CONSTANTINE* and *OWEN*, and other
938 } Kings of the North, were defeated, and *ANLAF* or *OLAVE* the Dane, compelled to return to *Ireland*.

938 *Athelstane* holds a Witenagemot at *Dorchester*, at which four British Subreguli, *OWEN*, *HOWELL*, *MORGAN*, and *EDWALL*, perform suit and service.

Ego *ETHELSTANUS*, Rex *Anglorum*, per omnipotentis dexteram totius *Brittanniæ* regno sublimatus, &c. [after granting certain lands to the Monastery of Malmesbury, he proceeds] Sciant autem sapientes nostræ regionis; nos has præfatas terras, non injuste rapuisse, rapinamque Deo dedisse; sed sic eas accepi, quemadmodum indicaverunt omnes Optimates Regni *Anglorum*, insuper et Apostolicus Papa Romanæ Ecclesiæ *Johannes*, *Elfredus* defuncto, qui nostræ felicitatis et vitæ æmulus extitit, nequitie inimicorum meorum consentiens, quando me voluerunt, patre meo defuncto, cæcare in *Wintonia* civitate; si non me Dominus sua pietate eripisset. Sed denudatis eorum machinamentis, remissus est ad Romanam Ecclesiam, ut ibi se coram *Johanne* Apostolico jurejurando defenderet; et hoc fecit coram Sancti *Petri* altari, sed facto juramento, cecidit coram altari; et manibus famulorum portatus est ad scholam *Anglorum*, et in tertia nocte finivit vitam. Et nunc Apostolicus ad nos remisit; et quod de eo ageretur consulit. Nos autem Optimatum nostrorum rogatu concessimus; ut poneretur ad cæteros Christianos, quamvis indignus. Et sic indicta est mihi possessio illius omnis, in magnis et modicis, &c. Hujus autem, a Deo Dominoque Jesu Christo inventæ atque inspiratæ voluntatis, scedula anno Dominicæ Incarnationis 938, regni vero mihi gratis commissi 11, Indictione octava, Epacta 14, concurr. Tertio Calend. Januarii, luna vertentis Mensis decima, in civitate celeberrima, quæ *Dornacester* appellatur, conscripta est, totum Optimatum generalitate sub alis regiæ dapsilitatis ovanti. Subscribere Subreguli, *EUGENIUS—HOWELL—MORCANT—JUDUAL*. Archiepiscopi, *Willfelmus*, *Dorobornia*—*Wulstanus*, *Eboraci*. Episcopi, *Burgrice*, *Roffensis*—*Tedred*, *Lundoniensis*—*Ethelgar*, *Orientalium Anglorum*—*Alfriche*, *Wintoniensis*—*Elfredus*, *Scireburnensi*—*Wulfelmus*, *Wellensis*—*Ethelgar*, *Cridiensi*—*Oda*, *Wiltunensis*—*Eadhelm*, *Selesienis*—*Swithelm*, sci. *Cuthberti*—*Tidelm*, *Herefordensis*—*Elwine*, *Wigorniensis*—*Kinci*, *Licifeldensis*—*Winsi*, *Legecestrensis*. (Malm. Vita Aldhelm. p. 31.)

941—Oct. 27. *Athelstane* died—41 years all but one day after the death of *Alfred*—and he reigned 14 years and 10 weeks.

Edmund Atheling, son of *Edward* the Elder, succeeds at the age of 18 years²⁷. *Edmund*.

²⁷ Anno Dominicæ Incarnationis 941, *Edmundus* frater *Athelstani* adolescens octodecim circiter annorum, tenuit regnum annis sex et semis. Hujus tempore *Northanimbri*, rediiva meditates prælia, pactum, quod cum *Athelstano* pepigerant, corrumpere, et *Anlafum* ab *Hibernia* revocatum, statuerunt regem. At vero *Edmundus*, qui existimaret injuriam si non fraternæ victoriæ reliquias prosequeretur, copias contra desertores ducitavit. Quibus mox loco cedentibus, omnes civitates citra *Humbram* fluvium suæ potentiæ redegit. *Anlafus* cum quodam regulo *Reinaldo*, filius illius *Gurmundi*, de quo in gestis *Elfredi* tetigimus, animum regis tentans, deditionem sui obtulit; Christianitatem fidei suæ obsidem protestans, et professus. Sed non diu barbaricus animus in sententia mansit, quin et sacramentum læderet, et Dominum irritaret. Qua propter anno sequenti pulsus perpetuo exilio pænas luit. Provincia, quæ vocatur *Cumbreland*, regi *Scottorum*, *Malcolmo*, sub fidelitate jurisjurandi, commendata est. (Malm. de Gestis, II. 7.)

945 King *Edmund* herried all the land of the *Cumbrians*, and let the same to *Malcolm*, King of Scots, upon condition that he should be his co-operator, both by sea and by land—"on that gerad, that he wære his mid-wyrhta ægther ge on sæ ge on lande." (Sax. Chron.)

945 Magnificus Rex *Anglorum*, *Eadmundus*, terram *Cumbrorum*, depopulatus est, illamque Regi *Scottorum*, *Malcolm*, eo tenore dedit, ut terræ marique sibi fidelis existeret. (Flor. Wigorn.—Sim. Dunelm.)

946 Rex *Eadmundus*, adjutorio *Leolini* regis *Demetiæ* fretus, *Cumbriam* totam cunctis opibus spoliavit, ac duobus filiis *Dummaili* ejusdem provinciæ Regis, oculorum luce privatis, regnum illud *Malcolmo*, *Scottorum* Regi, de se tenendum concessit, ut *Aquilonares Angliæ* partes, terræ marique, ab hostium adventantium incursione tueretur. (Flores Hist.)

..... totam *Cumbreland*, quia gentem provinciæ illius perfidam et legibus insolitam ad plenum domare nequibat, prædavit et contrivit, et commendavit eam *Malculmo* Regi *Scotiæ*, hoc pacto, quod in auxilio sibi foret, terræ et mari. (Hen. Hunt. V.)

Post mortem *Athelstani*, terrarum omnium indigenæ, quos ipse, bello de *Brownynghfeld*, suo dominio redegerat, ad priores dominos *Scotos* et *Danos* respirabant. *Northumbri* quidem, *Anlafum* ex *Hibernia* revocandum, ac regem denuo constituendum disponunt. Quod cum ad *Eadmundi* pervenit auditum, metuit ne forte populus *Cumbriæ*, *Scotis* adhæreat, ut *Anlafa*, *Northumbri*: pro ea maluit amicum venari, quam, ipso invito, crudelis eam hostis, et forte pro perpetuo, possideret; unde *Malcolmi* regis auxilium, et animum placabilem firmiter sibi junctum contra *Danos*, habere desiderans, totam ei *Cumbriam* in perpetuum, sub fide jurata, tradidit possidendam.

..... Postmodum vero statim inter eos, concordatum est, et amborum consilio decretum, ut in futurum, pro bono continuandæ pacis utriusque regni, *Malcolmi* Regis proximus hæres *Indulfus*, ceterorumque

WESSEX.

- Edmund.** 942 *Northumbria* revolts—the Danes take *ANLAF* or *OLAVE* as their King.
Mercia invaded—the Danish Burghs submit to **Edmund**.
 943 A treaty concluded between **Edmund** and *ANLAF*, by which Watling-street was settled as the demarcation of the kingdoms.
 944 *Northumbria* becomes the dominion of **Edmund**—*ANLAF* and *REGINALD* expelled.
 945 *Cumbria* conquered by **Edmund** and granted to *MALCOLM* of Scotland, on condition of military service. (See Note 27.)
 946—May 26. **Edmund** assassinated by *Liof*, at *Pucklechurch*—he reigned six years and a half.

- Edred.** 946 } **Edred**, son of Edward the Elder, and considered as the next heir to Edmund, suc-
 947 } ceeds to the four-fold Empire of the Anglo-Saxons and Northumbrians, Pagans and Britons, and is consecrated at *Kingston*²⁸. After which the Proceres or Witan of *Northumbria* take the oaths of fealty to him, and the Scots and Cumbrians do the like.

In the Life of Dunstan, written by a contemporary author, whose name is indicated by the initial B. supposed to stand for Bridforth, *Eadred* is expressly called the next heir: Perempto Rege *Edmundo*, mox proximus hæres *Eadredus* regnum suscepit. (Acta Sanct. Maii IV. p. 353.) Florence uses the same language. Bromton intimates that *Edred* succeeded in consequence of the minority of his nephews. Mortuo vero dicto *Edmundo* Rege, *Eadredus* frater suus eo quod pueri *Edwinus* et *Edgar* filii *Edmundi* præ immatura ætate adhuc regnare non poterant, sibi in regno successit. (Bromton, 862.)

The succession of *Edred* is noticed in a very unusual manner in the following charter. From the *four-fold division* of the Empire, it appears, that though *Mercia* was held distinctly from *Wessex*, it was considered as forming with it the state or country of the “Anglo-Saxons.”

regum *Scotorum* hæredes qui pro tempore fuerint, *Eadmundo* regi suisque successoribus, *Angliæ* regibus hominum pro *Cumbria* facerent, ac fidelitatis sacramentum: insuper itaque quod neuter eorum hanc barbaram aquilonis et perfidam gentem suo receptet in regno, quovismodo protegat, auxilium præbeat, vel favorem seu cujuscunque rei gratia, sub fidelitatis homagio suscipiat. Et ad hæc omnia firmiter in posterum observanda, Rex uterque, vinculo conjurationis alterutri est astrictus. Anno quoque *Malcolmi* quarto, Rex *Eadmundus* a quodam latrunculo, quem cum una dierum in aula de malefactis exprobasset, in medio militum pugione perfossus interiit; et sibi successit *Eadredus* frater ejus. (Scotichron. iv. 26.)

²⁸ *Eadredus* frater *Edmundi* Regis, fratri suo successit in regno, et eodem anno *Northumbrias*, jugum dominationis suæ ferre nolentes, cum valida armatorum manu petiit, totamque sibi conquisivit. Inde vero in *Scotiam* Rex illa direxit. *Scotti* igitur nimio terrore percussi, sine bello subdiderunt se Regi, et juraverunt ei tam *Nordhumbri*, quam *Scotti*, debitam domino fidelitatem, quod tamen juramentum diu non duravit.

(Hen. Hunt. V.)

946 *Eadredus* . . . ut suus germanus prius egit, totam *Northimbriam* in suum dominium redegit, et a *Scotis*, ut sibi fideles essent, juramentum accepit. (Flor. Wigorn.)

946 Hic ut suus germanus prius egerat, Rex *Eadmundus*, *Northanhumbriam* totam in sui dominium redactam, a Rege *Scotorum* fidelitatem accepit, et insuper *Eboracensi* Ecclesiæ Metropolitanæ, duo signa non modica devotus donavit. Denique cum a Rege *Cumbrorum* juramentum fidelitatis accepisset, et partes illas in securitate posuisset, versus austrum cum suis contendit. (Flores Hist.)

946 *Eadredus* tertius ex filiis *Edwardi*, regnum suscipiens, rexit annos novem et dimidio. Ejus magnanimitas a patre et patribus non degenerans hanc summam dedit, *Northanhimbros* et *Scottos* facile ad sacramentum suæ fidelitatis adactos, et mox fœdisfragos, quodam *Ericio* Rege super se statuto, pene hominibus delevit, tota provincia fama ferroque fœdata. (Malm. de Gestis. II. 7.)

Eadmundi successor extitit *Eadred* in regnum, suus quippe frater; cui *Northymbrii* subjiciuntur cuncti necnon *Scoti*, jusjuranda confirmant immutabilemque fidem. (Ethelward. IV. 7.)

Eadredus erat autem tantæ probitatis, ut rebellantes sibi *Northymbros* et *Scotos* facile vicerit; et in *pristinam subjectionem* sine magno labore redegit. (Ethelredus Rievallensis de Genealogia Regum, p. 358.)

947 *Eadredus* Rex, *Northanhumbros* et *Scottos* sibi, sicut prædecessores sui, subjugavit.

(Chron. Joh. Abb. S. Petri de Burgo.)

949 *Wulstanus Eboracensis* Archiepiscopus, procuresque *Northimbrensis* omnes, in villa quæ dicitur *Taddeneschiff*, egregio Regi *Anglorum* *Edredo* fidelitatem juraverunt; sed non illam diu tenuerant, nam quendam *Danica* stirpe progenitum, *Ircum* nomine, super se regem levaverunt. (Flor. Wigorn.)

Malcolmus autem Rex cum *Eadredo* pacem habuit, facto sibi prius hominio pro *Cumbria* per *Indulsum*. *Malcolmo* successit *Indulfus*, filius *Constantini* filii *Ethi Alipedis*, qui totidem ut ipse regnavit annis, et anno Domini nongentesimo quinquagesimo secundo, necnon *Othonis* primi, decimo quinto, regnare cœpit. Ad *Cumbriæ* dominium, eo coronato, promotus est *Duffus*, Regis *Malcolmi* filius, *Eadredo* Regi solitâ fidelitatis fide facta. (Scotichron. iv. 27.)

946 Concedente gratia Dei Anno Dominicæ Incarnationis DCCCC.XLVI. contigit post **Edred.** obitum *Eadmundi* regis, qui regimina regnorum, *Angulsaxna* et *Northhymbra*, *Paganorum*, *Brettonumque*, septem annorum intervallo regaliter gubernabat, quod *Eadred* frater ejus uterinus, electione optimatum subrogatus pontificali auctoritate eodem anno, catholice, est Rex et Rector ad regna quadripertiti regiminis consecratus, qui denique Rex in villa quæ dicitur, "regis," *Cyngestun*, ubi et consecratio peracta est, plura plurimis perenniter condonavit charismata; hoc potest pro certo *Wulfric* pedisequus alacriter conlaudare, quem honorifice idem Rex locupletata largitate lætificat concedens ei terram vii. manentium jure perpetuo perfruendam certis tramitibus uti fertur inferius terminatam ad *Wurcingtune*, magnis rebus ac modicis præter arcem atque pontem agonisque obsequium usurpatam.

Ista porro usurpatio, Anno Dominicæ Incarnationis DCCCC.XLVI. et primo temporalis cicli laterculo quo sceptrum diadematum *Angulsaxna* cum *Northhymbris*, et *Paganorum* cum *Brettonibus* gubernabat; his testibus quorum nomina subsequuntur conscribentibus hoc modo peracta est: *Eadred* Rex cum Archiepiscopis, ceterisque præsulibus hanc tellurem triumphali tropheo usurpavit. *Oda*, Archiepisc. *Wulfstan*, Archiepisc. *Theodred*, Epsc. *Aelfhæh*, Epsc. *Wulfgar*, Epsc. *Koenwald*, Epsc. *Aelfric*, Epsc. *Wulfhelm*, Epsc. *Wulfsize*, Pontif. *Aelfred*, Pontif. *Aethelgar*, Pontif. *Aethelwald*, Pontif. *Howæl*, Regulus. *MARCANT*, *Gadmo*. *Aethelmund*, Dux. *Athhelm*, Aldermon. *Aethelstan*, Comes. *Eadric*, Princeps. *Osulf*, Hæhgerefa. *Urin*. [*Urm?*] *Morcer*, Eorl. *Grim*. *Coll*, Eorl. *Eadred*, Abbud. *Wigstan*, Abbud. *Dunstan*, Abbud. *Uhtred*. (*Beda*, App. p. 772.)

The signatures of the consenting members of the Witenagemot may be compared with the following extract, by which some obscurities will be removed.

Eadredus Rex *Anglorum* gloriosissimus, rectorque *Northanhumborum*, et *Paganorum* Imperator, *Brittonumque* propugnator. (A.D. 949.) *Odo*—*Wulfstan*—*Theodred*—*Aelfheah*—*Elfred*—*Aelfred*—*Aelfric*—*Wulfsize*—*Aethelgar*—*Ceomwald*—*Wulfhelm*—*Cynsize*—*Alfred*, roborabant conscribendo cum laicis. *Howæl*, Rex. *MARCANT*, Regulus. *Ozulf*—*Bebba*—*Ethelmund*—*Aelfhelm*—*Grim*—*Gunner*—*Uhtred*—*Aelfgar*—*Scule*—*Coll*—*Morcær*—*Wulfric*—*Behrtferth*—*Aethelgeard*—*Aelfnoth*—*Elfhea*—*Clate*—*Wigestan*—atque *Aelfsize*—*Dunstan*, Abbas,—et *Oscytel* *Cyrcward*. (*Mon.* III. 37.)

948 } The Northumbrians break their oath and pledge, and elect *ERIC*, the son of *Harold*,
949 } as their king. **Edred** invades the country, and the Witan submit again to him.

952 } **Edred** subdues the kingdom of Northumbria, and divides it into Earldoms, under his
953 } supremacy.

955—Nov. 23. **Edred** dies on St. Clement's Day.

Eadwy, eldest son of *Edmund*, succeeds, on the death of *Edred*, his uncle, to the **Eadwy**. empire of the Anglo-Saxons, or to *Wessex* and *Mercia*, as well as to *Northumbria*—consecrated at *Kingston*. *EDGAR* Atheling, his brother, becomes Subregulus of *Mercia*. (See *Mercia*.)

Post hæc surrexit *Eadwig* filius videlicet *Edmundi* Regis parvaque regnandi prudentia pol-lens, licet in *utroque plebe*, regum numeros nominaque suppleret electus *Eadwig* cum tempore statuto, ab universis *Anglorum* principibus communi electione ungeretur et conse-craretur in regem, &c. (*Vita Dunstani*, ut supra.)

That *Edgar* had the title and rank of "Regulus," before *Mercia* separated from *Wessex*, appears from the following charter, which is also important in showing how *Edwy* assumed the same style as his predecessor *Edred*.

EADWUI Rex, nutu Dei *Angulsaxna* et *Northanhumborum* imperator, *Paganorum* guber-nator, *Bretonumque* propugnator A. D. 956, et primo anno regiæ dignitatis *EADWI* quo sceptrum rexit regalia.

Oda, Archiepiscopus cum cæteris præsulibus atque optimatibus, quorum vocabula subnotan-tur, consignat. *Osketel*, summus Pontifex. *Elfsie*, Episcopus. *Wlsie*, Episcopus. *Oswulf*, Episcopus.

AST, Regulus. *EADGAR*, Regulus. *MORGANT*, Regulus.

Eadmund, Dux. *Athelmund*, Dux. *Alphere*, Dux.

Alfwald, Didascalus. *Dunstant*, Dogmatista. *Kenwald*, Monachus. *Brihtferht*, Minister. *Urm*, Minister. *Gunner*, Minister. (*Hem.* 334.)

957 *Northumbrians* and *Mercians* choose *EDGAR* as their king, who rules all between the Thames and the Firth of Forth. (See *Northumbria*.) *EADWY* retains the South.

Anno 957. *Rex Anglorum Edwius* quoniam in commisso regimine insipienter egit, a *Mercensibus* et *Northymbrensibus* contemptus, relinquitur, et suus germanus *Clyto Edgarus* ab eis Rex eligitur, sicque res regum sejuncta est, ut flumen *Tamense* regnum disterneret amborum. (*Flor. Wigorn.*—*Sim. Dun.*)

WESSEX.

Eadwy.

Post hunc ita omnium conspiratione relictam elegere sibi, *Eadgarum* ejusdem *Eadwigi* germanum in regem, qui *virga imperiali* injustos juste percuteret, benignos autem sub eadem æquitatis virgula pacifice custodiret, sicque universo populo testante, publica res regum ex *definitione sagacium* sejuncta est, ut famosum flumen *Thamesiæ* regnum disterneret amborum. (Vita Dunstani, p. 354.)

Edgar.

958 } EADWY dies. Edgar, King of *Mercia*, his brother, at the age of sixteen years,
959 } succeeds to the government of *Wessex*, *Mercia*, and *Northumbria*, and becomes King over all Britain.

Interea germanus ejusdem *Edgari* quia justa Dei judicia deviando dereliquit, novissimum flatum, miserâ morte expiravit, et regnum illius ipse velut æquus hæres ab *utroque populo* electus suscepit, divisaque regnorum jura in unum sibi sceptrum subdendo copulavit.

(Vita Dunstani, p. 354.)

Post paucos electionis suæ dies, præcepit *Edgarus* dyarcha totius regni sui, concilium celebrare in quo annihilatis omnibus quæ a fratre ejus iniquis fuerant legibus decreta, &c.

(Osbernus in Vita Dunst. c. 7.)

Rex *Westsaxonum* *Eadwius* quatuor annis regni sui peractis, defunctus *Wintonie* in novo monasterio est sepultus. Cujus regnum suus germanus Rex *Mercensium* *Eadgarus* ab omni *Anglorum* populo electus, divisaque regna in unum copulavit. (Sim. Dun.)

964 Edgar about this time compels the Danish or Norwegian chieftains of Ireland to acknowledge his supremacy.

Edgar's conquest of Dublin, and the reduction of the isles, are not mentioned by the Chroniclers, and hence, the charter in, which he claims these victories, has sometimes been stigmatized as a monkish forgery. But this document, being the instrument by which the married clerks are ejected from the church of Worcester, does not contain any expression which can give rise to suspicion, and its tenor is entirely consistent with history.

Altitonantis Dei largiflua clementia, qui est Rex regum et Dominus dominantium, ego *Edgarus*, *Anglorum* Basileus, omniumque regum insularum oceani, quæ *Britanniam* circumjacent, cunctarumque nationum, quæ infra eam includuntur, Imperator et Dominus, gratias ago ipsi Deo Omnipotenti, Regi meo, qui meum imperium sic ampliavit et exaltavit super regnum patrum meorum, qui licet monarchiam totius *Angliæ* adepti sint, a tempore *Aethelstani*, qui primus regum *Anglorum* omnes nationes quæ *Britanniam* incolunt sibi armis subegit; nullus tamen eorum ultra ejus fines imperium suum dilatare aggressus est. Mihi autem concessit propitia Divinitas, cum *Anglorum* imperio, omnia regna insularum oceani, cum suis ferocissimis regibus, usque *Norvegiam*, maximamque partem *Hiberniæ*, cum sua nobilissima civitate *Dublinia*, *Anglorum* regno subjugare, quos etiam omnes meis imperiis colla subdere, Dei favente gratia, coegi.

Facta sunt hæc Anno Dominicæ Incarnationis 964, Indictione viii. Regni vero *EDGARI Anglorum* Regis sexto, in regia urbe quæ ab incolis *Gleaucestre* nominatur, in natali Domini festivitatem Sanctorum Innocentium feria quarta.

Ego *EADGAR* Basileus *Anglorum*, et Imperator regum gentium; cum consensu principum et Archiepiscoporum meorum hanc munificentiam signo crucis corroboro.

Ego *Elfrith*, Regina, consensi, et signo crucis confirmavi.

Ego *Dunstan*, Archiepiscopus *Dorobernensis* Ecclesiæ Christi, consensi et subscripsi.

Ego *Oscytel*, Archiepiscopus *Eboracensis* Ecclesiæ, consensi et subscripsi.

Ego *Alferic*, Dux. Ego *Bruthnod*, Dux. Ego *Aridgari*, Dux. (Concilia I. 239.)

According to our computation the Indiction for 964 is 7. But Innocents fell on Wednesday in that year, by which the date is fixed.

965 Not long after the country of Northwales was cruelly wasted by the army of *Edgar*, King of England, the occasion of which invasion was the nonpayment of the tribute which the King of *Aberfraw*, by the laws of *Howel Dda*, was obliged to pay to the King of *London*, but at length a peace was concluded upon these conditions, that the Prince of Northwales, instead of money, should pay to the King of England the tribute of three hundred wolves yearly.

(Wynne's Caradoc.)

970 Edgar holds a great Council, attended by *MALCOLM*, a Scottish Subregulus.

As appears from the following Ely charter:—

Ego Rex *EDGARUS*, Basileus dilectæ insulæ *Albionis*, subditis nobis sceptris *Scottorum*, *Cambrorumque* atque *Britonum*, et omnium circumcirca regionum.

Hoc privilegium hujus donationis et libertatis scribi fecimus, Anno Incarnationis Domini nostri Jesu Christi nongentesimo septuagesimo, Indictione tertia decima, anno regni mei atque tertio decimo, in villa regali, quæ famoso vocabulo a solicolis *Wsfamere* nominatur, non clam in angulo sed sub divo palam evidentissime, scientibus totius regni mei primatibus, quorum quædam nomina hic infra inseri ad testimonium in posterum mandavimus.

Ego *Edgarus* animo benigno hoc largiendo Deo concessi, et regia sublimitate corroboravi.

Ego *Dunstan*, Archiepiscopus, corroboravi. Ego *Oscytel*, Archiepiscopus, corroboravi.

PROOFS AND ILLUSTRATIONS.

celi

WESSEX.

Edgar.

Ego *Æthelwold*, Episc. confirmavi. Ego *Ælfstan*, Episc. consignavi. Ego *Osulf*, Episc. confirmavi. Ego *Wulfric*, Episc. adquevi. Ego *Winsige*, Episc. corroboravi. Ego *Alfwold*, Episc. consolidavi. *Oswold*, Episc. adquevi. Ego *Byrhtelm*, Episc. confirmavi. Ego *Eadelm*, Episc. consignavi. Ego *Elric*, Episc. consolidavi. Ego *Wlsige*, Episc. corroboravi.

Ælfthryth, Regina.

Alfric, Abbas. *Æscwig*, Abbas. *Osgar*, Abbas. *Ælstan*, Abbas. *Æthelgar*, Abbas. *Cyneward*, Abbas. *Thyrcitel*, Abbas. *Baldred*, Abbas. *Ordbriht*, Abbas. *Siferth*, Abbas. *Martin*, Abbas.

Æthelstan, Dux. *Ælfhere*, Dux. *Ælfeah*, Dux. *Ordgar*, Dux. *Æthelwine*, Dux. *Oslac*, Dux. *MALCOLM*, Dux. *Brihtnoth*, Dux. *Eadulf*, Dux.

Bridferth, Miles. *Ælfwine*, Miles. *Æthelweard*, Miles. *Oslac*, Miles. *Frena*, Miles. *Siferth*, Miles. *Leofric*, Miles. *Edric*, Miles. *Wlfnoth*, Miles. *Ælsige*, Miles. *Ufscytel*, Miles. *Hroold*, Miles. *Thurstan*, Miles. *Osgod*, Miles. *Gotu*, Miles. *Frithegist*, Miles. *Thurferth*, Miles. *Thurgod*, Miles. *Osfeth*, Miles. *Oscytel*, Miles. *Siferth*, Miles. *Thurcytel*, Miles. *Forne*, Miles. *Cnut*, Miles. *Thurstan*, Miles. *Thurcytel*, Miles.

(Hist. Eliensis. p. 517.)

971 A great Council or Witenagemot held at London—attended by *KENNETH*, King of *Albania*, or of the *Scots*, and *MACCUS*, King of *Man*, or of the *Isles*.

The charter which proves this council has been suspected, on account of the insertion of the name of *Oswald*, as Archbishop of York, though, according to the usual computation, he did not hold the see till the following year. But the repeated instances of these irregularities are quite sufficient to overthrow any such grounds of distrust.

Ego *EDGAR*, divina disposizione Rex *Anglorum*, ceterarumque gentium in circuitu persistentium gubernator et rector . . . Acta est hæc privilegii pagina, et confirmata apud *Londoniam*, communi consilio omnium primatum meorum, anno ab Incarnacione Domini nostri Jesu Christi nongentesimo septimo primo, indictione quarta decima. Hujus doni constipulatores fuerunt, quorum nomina inferius caraxari videntur. Ego *EDGAR* Rex totius *Britannie*, prefatam libertatem, cum sigillo sanctæ crucis, confirmavi. Ego *Eilfgiva*, ejusdem regis mater, cum gaudio consensi. Ego *Edward*, clito patris mei domini, cum triumpho sanctæ crucis impressi. Ego *KINADIUS* Rex *ALBANIE* adquevi. Ego *MASCUSIUS*, Archipirata, confortavi.

Ego *Dunstanus*, *Dorobernensis* Ecclesiæ Archiepiscopus, cum tropheo sanctæ crucis et cum suffraganeis presulibus regis donum corroboravi. Ego *Oswald*, *Eboracensis* Ecclesiæ Primas consensciens subscripsi. Ego *Æthelwold*, *Wintoniensis* Ecclesiæ Minister et *Glastoniæ* monachus signum sanctæ crucis impressi. Ego *Brithelm*, *Fontanensis* Episcopus consensciens, corroboravi. Ego *Elstan*, Episcopus confirmavi. Ego *Oswold*, Episcopus concessi. Ego *Elfwold*, Episcopus, concessi. Ego *Winsige*, Episcopus, cum signo sanctæ crucis, conclusi. Ego *Segeger*, Abbas, confirmavi, vexillum sanctæ crucis impressi. Ego *Ordgar*, Abbas, corroboravi. Ego *Æthelgar*, Abbas, consensi. Ego *Kineworde*, Abbas, consensi. Ego *Tideman*, Abbas, consolidavi. Ego *Elpheh*, Abbas, subscripsi. Ego *Adulf*, *Herefordensis* Ecclesiæ catascopus, corroboravi.

Ego *Elphere*, Dux, dominæ meæ Sanctæ *Mariæ*, *Glastoniensis* Ecclesiæ libertatem omni devocione cum sigillo sanctæ crucis confirmavi. Ego *Oslac*, Dux, concessi. Ego *Æthelwine*, Dux, hæc donum triumphale agie crucis proprie manus depictione impressi. Ego *Oswold*, Minister, confirmavi. Ego *Elfwald*, Minister, corroboravi. Ego *Æthelsie*, Minister, consensi. Ego *Elfsie*, Minister, consensi. Hanc privilegii paginam Rex *EDGARUS*, duodecimo anno regni sui, sacro scripto apud *Londoniam* communi consilio optimatum suorum confirmavit.

(Mon. vol. i. p. 27.)

971 Rex *Eadgarus* barones *Northumbrenses* in consilium convocans apud *Eboracum*, capitula multa ad regni negotia spectantia bene ordinavit. Inter quæ etiam *Osulfi* comitatum, quem avunculus ejus *Edredus* totius *Northumbriæ* sub nomine comitis præfecerat, in duos divisit comitatus. Ipso *Osulfo* jam mortuo, noluit sub nomine hæreditatis Rex eam partem terræ alicui provenire soli, ne ad antiquam libertatem aspirantes ** *Northumbriæ*, hoc est, ab *Humbria* usque ad *Theisam*, *Oslach*, et comitis gladio eum cinxit. A *Theisa* vero usque ad *Mireforth* sub nomine etiam comitatus, partem videlicet maritimam *Deiræ*, dedit *Eadulf* cognomento *Ewelchild*. Sicque duo regna ad duos comitatus devenerunt, permanseruntque omni tempore regum *Anglorum* sub ditione et donatione eorundem. *Louthion* vero semper patuit excursibus *Scotorum* et *Pictorum*, et idcirco parum curæ fuit regibus hæc pars terræ. Porro Rex *Scotorum* *Kineth*, audiens ex fama et commendatione duorum comitum *Oslach* et *Eadulf*, et Episcopi *Dunelmi*, *Elfsi*, *Eadgari* regis magnificentiam, desiderio videndi petivit conductum veniendi *Londoniam*, ut cum eodem colloqueretur, et impetravit: conduxeruntque eum ex præcepto regis duo comites prædicti et episcopus. Venit *Londonias* *Kineth* Rex *Scotorum*, ubi a rege *Eadgario* honorifice susceptus est, et honori habitus; cumque amice familiariter et jocunde colloquerentur; suggestit Rex *Kineth* regi *Eadgario* *Louthion* ad suum jus debere pertinere, et hæreditarie a regibus *Scotorum* possideri. Rex nolens aliquid abrupte facere, ne post factum pœniteret, regis *Kineth* causam curiæ suæ intimavit. Proceres vero qui a progenitoribus erant eruditi, nisi sub nomine homagii regi *Anglorum* a rege *Scotorum* inpensi ** et præcipue quia ad tuendum terram illam difficilis est accessus, et parum proficua ejus dominatio, ** assensit autem assertione huic *Kineth*, et sub nomine homagii eam petiit et accepit, fecitque regi *Eadgario*

** Corrupted or mutilated passages.

WESSEX.

Edgar.

homagium sub cautione multa promittens, quod populo partis illius, antiquas consuetudines non negaret, et sub nomine et lingua *Anglicana* permanerent. Quod usque hodie firmum manet. Sicque determinata est vetus querela de *Louthion*, et adhuc nova sæpe intentatur. Subjectus est ergo *Eadgaro* Rex prædictus, prædicta causa, sed et Rex *Cumbrorum Malcolm*, et *Oriccus* [*Maccus*] plurimarum Rex insularum, et *Orcadum* diversi reges. Qui omnes *Eadgaro* homagii nomine tenebantur. (Wallingford, p. 545.)

973—May 11. *Edgar* consecrated at Bath, or "Ake-man-ceastre," in the thirteenth year of his reign.

974 Celebrates his triumph on the Dee—receives the homage of the Kings of the Scots, the Cumbrians, the Northmen, the Gallovegians, and the Britons.

This act was probably only a renewal of their homage, for the following charter, which testifies their attendance at his court, must have been executed before 971, in which year *Oscytel*, Archbishop of York, died.

In nomine sanctæ et individuae Trinitatis. Ego *Edgarus* Rex et *Basileus* totius *Angliæ* divino instructus admonitu, et sanctæ *Dorobernensis* Ecclesiæ antistitis *Dunstani* precibus sæpius exhortatus, reddo et concedo sanctæ *Dorobernensi* ecclesiæ et monachis ibi Deo serventibus, in pura elemosina, portum et villam de *Sandwich*, eisdem monachis olim ablatam, cum omnibus libertatibus et consuetudinibus regiis ad *Sandwich* pertinentibus quas ego aliquando habui, ex utraque parte aquæ, cujuscunque terra hinc vel inde fuerit. Confirmo eis omnes mansiones quas habent in villa de *Sandwich* quæ illis collatæ sunt in pura elemosina a fidelibus. Unde volo ut nullus ibidem habeat aliquid jus nisi tantum monachi nostri de *Dorobernia*. Quicunque hanc meam largifluam munificentiam interrumpere aut violare præsumpserit, indignationem dominæ nostræ Mariæ et eorum omnium qui in *Dorobernensi* ecclesia requiescunt sentiant, nisi ante mortem emendati fuerint.

Ego *EDGARUS*, Rex totius *Angliæ*, huic codicillo meo signum sanctæ crucis propria manu apposui.

Ego *KINATH*, Rex *Scotorum*, subscripsi.

Ego *MACCUS*, Rex insularum, vidi.

Ego *Dunstan*, *Dorobernensis* Archiepiscopus, subscripsi.

Ego *Ethelwoldus*, *Wintonensis* Antistes, consensi.

Ego *MALCOLM*, Rex *Cumbrorum*, subscripsi.

Ego *DUFNAL*, vidi.

Ego *Oskitellus Ebor* Archiepiscopus, subscripsi.

Ego *Osmundus*, *Wigorniae* Episcopus, consensi.

Ego *Keneuuardus*, Abbas, subscripsi.

Ego *JACOBUS*, Subregulus, signum posui.

Ego *JUKILL*, Subregulus, subscripsi.

Ego *SIFERTH*, Subregulus, subscripsi, signum crucis apposui in festo Pentecostes in civitate *Æchemani*. (Bib. Cott. Aug. A. II.)

Multarum linguarum gentes, unius fœdere legis conjunxit. (Eth. Rievallensis, p. 301.)

973 Rex *Anglorum* pacificus *Eadgarus*, ætatis suæ anno 30, Indict. prima, quinto Idus Maii, die Pentecostes, a beatis præsulibus *Dunstano* et *Oswaldo*, et a cæteris totius *Angliæ* antistitibus, in civitate *Acamanni* benedicitur, et cum maximo honore et gloria consecratur, et in Regem ungitur. Interjecto deinde tempore, ille cum ingenti classe septentrionali *Britannia* circumnavigata, ad *Legionum* civitatem appulit. Cui subreguli ejus octo, *Kynathus* scilicet Rex *Scotorum*, *Malcolmus* Rex *Cumbrorum*, *Maccus* plurimarum Rex insularum, et alii quinque, *Duffnallus*, *Siferthus*, *Huwallus*, *Jacobus*, *Iuchillus* (vel *Ulkillus*), ut mandaverat occurrerunt, et quod sibi fideles, et terra et mari cooperatores esse vellent, juraverunt. Cum quibus, die quadam, scapham ascendit, illisque ad remos locatis, ipse clavum gubernaculi arripiens, eam per cursum fluminis *Deæ* peritè gubernavit, omni turba Ducum et procerum simili navigio comitante, a palatio ad monasterium Sancti Johannis Baptistæ navigavit. Ubi facta oratione, eadem pompa ad palatium remeavit. Quod dum intraret, optimatibus fertur dixisse, tunc demum quemque suorum successorum se gloriari posse regem *Anglorum* fore, cum tot regibus sibi subsequenti potiretur pompa talium honorum.

(Flor. Wigorn.—Mailros.—and see also Ethelweard, as quoted p. ccxii.)

973 Soon afterwards the King led all his ship force to Chester, and six kings came to meet him, and covenanted that they would be his "efenwyrhtan" by sea and by land. (Sax. Chron.)

Anno gratiæ 973, Rex *Anglorum* *Eadgarus* pacificus, anno ætatis suæ trigesimo die Pentecostes, præsentibus præsulibus *Dunstano* et *Oswaldo*, cæterisque totius *Angliæ* pontificibus, ac magnatibus universis, apud *Akemanecestre*, quæ latine *Bathonia* dicitur, coronam portavit, et ibidem cum gloria et honore regaliter consecratur, datis singulis donariis consuetis, quæ in coronationibus dari magnatibus consuescunt.

974 Rex pacificus *Eadgarus*, ad urbem *Legionum* veniens, ab octo subregulis suis, *Kinedo* scilicet rege *Scotorum*, *Malcolmo* *Cumbrorum*, *Macone* rege *Monæ* et plurimarum insularum, *Dufnel* rege *Demetiæ*, *Sifertho* et *Howel* regibus *Walliæ*, *Jacobo* rege *Galwalliæ*, et *Iukill*, *Westimariæ*, juramentum fidelitatis accepit. Et in crastino cum illis, navem ascendens, subregulis ad remos locatis, ipse gubernaculum arripuit, naviculamque per cursum fluminis perite dirigens, multis admirantibus, simili navigio sequentibus magnatibus universis, a palatio usque ad monasterium Sancti Johannis Baptistæ navigavit, ubi divinis expletis ministeriis, eadem

pompa ad palatium remeavit, quod dum intraret, optimatibus dixisse fertur, tunc demum quem-
que suorum successorum, se posse gloriari, regem fore *Anglorum*, cum tot regibus sibi obse-
quentibus, talium pompa potiretur honorum. (Flores Hist.)

Regem *Scottorum*, *Kinadium*, *Cumbrorum* *Malcolmum*, Archipiratam *Maccusium*, omnesque
reges *Wallensium*, quorum nomina fuerunt, *Dufnal*, *Sifreth*, *Huval*, *Jacob*, *Judethil*, ad curiam
coactos, uno et perpetuo sacramento sibi obligavit. Adeo ut apud civitatem *Legionem* sibi
occurrentes in pompam triumphi, per fluvium *Dee* illos deduceret. Una enim navi impositos
ipse ad proram sedens remigare cogebat per hoc ostentans regalem magnificentiam, qui sub-
jectam haberet tot regum potentiam. Denique fertur dixisse tunc demum posse successores
suos gloriari se reges *Anglorum* esse, cum tanta prerogativa honorum fruerentur.

(Malm. de Gestis. lib. II. cap. viii.)

Edgarus Rex tertio decimo anno regni sui, sacratu est in die Pentecostes, apud *Bathun*;
inde vero post Pentecostem duxit exercitum suum ad *Legecestre* ubi venerunt contra eum sex
reges, qui omnes ditione ejus subjecti sunt: et omnes illi domino, debitum dederunt fidem se
terra et mari servituros ei ad ejus imperium.

Edgarus pacificus, Rex magnificus, *Salomon* secundus, cujus tempore nunquam exercitus
advenarum venit in *Angliam*, cujus dominio reges et principes *Angliæ* sunt subjecti, cujus
potentiæ *Scotti* etiam colla dedere, cum regnasset sedecim annis et duobus mensis feliciter
vivens feliciter obiit. (Hen. Hunt.)

Tanta enim in verbis, in vultu, in moribus, interioris suavitatis indicem præferebat, ut Deo
co-operante, tota ei insula, sine sanguine manus daret, et ad subdendum se ei *Scotia*, *Cumbria*,
Wallia, libens accurreret. (Ethelredus Rievallensis de Genealogia Regum, p. 359.)

975 Eodem quoque tempore *Ælfsius* Episcopus, et Comes *Eadulfus*, *Kinedum* regem
Scotorum, ad regem *Eadgarum* conduxerunt. Quem cum perduxissent ad regem, multa
donaria a regia largitate suscepit, interque contulit ei centum uncias auri purissimi, cum multis
sericis ornamentis, et annulis, cum lapidibus preciosis. Dedit præterea eidem regi, terram
totam, quæ *Laudian* patria lingua nuncupatur, hac conditione, ut annis singulis in festivitatibus
præcipuis, quando Rex et ejus successores diadema portarent, venirent ad curiam, et cum
cæteris regni principibus festum cum lætitia celebrarent. Dedit insuper ei Rex mansiones in
itinere plurimas, ut ipse et ejus successores ad festum venientes, ac denuo revertentes, hos-
pitari valuissent, quæ, usque in tempora regis *Henrici* secundi in potestate regum *Scotiæ*
remanserunt. (Flores Hist.)

Successit *Culeno*, *Kenedus* secundus, *Malcolmi* filius, frater Regis *Duffi*, vir fortis et prudens
..... eo quoque statim coronato, *Malcolmum* filium *Duffi* successione proximum si
vixisset, in regulum *Cumbriæ* libenter *Eadgarus* recepit, sub sacramento fidelitatis consueto.

(Scotichron. iv. 30.)

Ipsius *Kenedi*, circa vicesimum annum, postquam successionis statuta firmasset, defuncto *Mal-
colmo* filio *Duffi* *Cumbriæ* Regulo, filium suum *Malcolmum* ejusdem domini regulum efficere
volens, *Anglorum* *Ethelredo* Regi misit, a quo sub præactis, ut supra, fidelitatis et hominii con-
ditionibus, sponte susceptus est. (Scotichron. iv. 36.)

Ante parum et his diebus *Anglici*, *Danis* tributa pro pace dederunt, primo decem millia deinde
sexdecim, mox viginti quatuor, et ultimo triginta millia librarum. Unde Rex *Ethelredus*
Regulo *Cumbriæ* supradicto *Malcolmo* scribens, per nuncium mandavit, quod suos *Cumbrenses*
tributa solvere cogeret, sicut ceteri faciunt comprovinciales. Quod ille protinus contradicens
rescripsit, suos aliud nullatenus debere vectigal, præterquam ad edictum regium, quandocum-
que sibi placuerit; cum ceteris semper fore paratos ad bellandum: nam pulchrius esse dicebat
ac multo præstantius, viriliter, gladio quam auro, defendere libertatem. Hac causa quidem, et
sicut Rex in ira motus asseruit, et eo quod regulus, contra sacramentum sibi debitum, *Danis*
favebat, maximam ex *Cumbria* prædam arripuit. Postea tamen concordēs per omnia statim
effecti, pace firma de cetero convenerunt. (Scotichron. iv. 38.)

Danis atque *Northumbris*, qui tunc velut una gens coierant, *Cumbriam* vastantibus adventus,
eorum aliquando per nepotem *Duncanum* Rex prævisus occurrens, magnam exercitus partem
misere cæde prostravit. Dederat enim ei *Cumbriam* antea, Regis *Ethelredi* consensu nondum
obtentio, quia transitus ad regem per regnum securus non erat, tum ob metum *Danorum* . . .
tum ob indigenarum proditiōe. (Scotichron. iv. 44.)

"It is my pleasure," *Edgar* declares, (Wilkins, p. 80), "that the civil law (*woruld gerihta*)
shall continue established amongst the Danes, under such good statutes as they may best choose.
Amongst the English, let that stand for law which I and my Witan have added to the judgments
of our ancestors, for the benefit of all the people. Yet, nevertheless, let this council be equally
adopted by all the people, whether English, Danes, or Britons, in every part of my Empire."

Sý þeah hƿæþe ƿær ƿæð gemæne eallum Leodscýpe, ægþeƿ ge Englum, ge
Denum, ge Bryttum in ælcum ende mineƿ anƿældeƿ.

The regulations then follow, enacting that every one should be put under "borgh," and for
the appointment of jurats, by whose testimony sales of property were to be legalized. He
concludes, "and let this also be common to all of us who dwell in this island . . . Let it be
observed by Earl *Oslac*, and all the Host that dwelleth in his government. Many copies are to
be made of this original statute, and they are to be sent to Ealdorman *Elfhære*, and to Ealdor-
man *Egelwine*, or *Aylwin*. And they are to disperse or promulgate them in such manner that
the counsel be known to all, rich and poor."

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And þar eaca ry̆ ur eallum gemæne þe on þýrrum Izlandum puniaþ Thonne rýnþige *Oslac* Eopl and eall Hepe þe on þýr Ealdordome puniaþ and pp̆ite man manega gep̆p̆ite be þýrrum; and yende ægþer ge to *Ælfere* Ealdorman ge to *Ægelwine* Ealdorman; and h̆i gehp̆ýðen þæt þær Ræð, cuþ ry̆, ægþer ge eap̆mum ge eadgum.

It was in this manner that statutes were afterwards promulgated by Writ of Proclamation addressed to the Sheriff or Vicecomes, as here to the Earl or Alderman. Such instances of the continuance of legal usages subsisting *through* the period of the conquest, may lead us to suspect that many portions of the constitution and jurisprudence of the Anglo-Norman age are really much more ancient than they appear to be,—or than we can venture to affirm.

975 **Edgar** dies in the nineteenth year of his reign in *Mercia* and *Northumbria*, and in the second year of his reign over all England.

The Martyr Edward.

975 **Edward**, eldest son of **Edgar**, and *Ethelred*, his second son, severally chosen to succeed him by the nobles, amongst whom great dissensions arise, but the former having been designated by *Edgar* as his successor, he is accepted as King in a great council, and consecrated accordingly, being about thirteen years old.

At Rex *Edgarus* immatura morte præreptus, *Edwardum* filium suum et regni et morum hæredem reliquit. In cujus electione dum quidam principes Palatini acquiescere nollent, *Dunstanus* correpto crucis vexillo, *Edwardum* illis ostendit, elegit, sacravit, &c.

(Vita Dunstani Act. Osberno, C. viii. 372.)

De rege eligendo magna inter primores regni oborta est dissensio. Quidam namque regis filium *Edwardum*, quidam vero fratrem illius elegerunt *Ethelredum*, quam ob causam, Archiepræsules *Dunstanus* et *Oswaldus* cum Chorepiscopis, Abbatibus, Ducibusque quam plurimis, in unum convenerunt et *Eadwardum*, ut pater ejus præceperat, elegerunt, electum consecraverunt, et in regem unxerunt. (Flor. Wigorn.)

Illum *Dunstanus*, et cæteri Episcopi consentanei, regali culmine sublimarunt, contra voluntatem quorundam, ut aiunt, optimatum et noveræ. (Malm. de Gestis, II. 9.)

978—March 18. **Edward** killed at Corfe by the commands of *Elfrida*.

Ethelred.

Ethelred Atheling, his brother, succeeds to the kingdom—consecrated at Kingston.

Indictione sexta, die Dominica xviii Kal. Maii, post paschalem festivitatem a sanctis Archiepræsulis *Dunstano* et *Oswaldo*, et decem Episcopis in *Kingestune* ad regni fastigium est consecratus. (Sim. Dun.)

1007 *Edric Streone* appointed "Prefect" of *Mercia* by **Ethelred**.

SWEYNE.

1013 *Northumbria*, which up to this time appears to have continued subject to *Ethelred*, submits to **SWEYNE**, together with *Lindesey* and the five Burghs, and all the Host north of Watling-street, and receive him as "full king." *Sweyne* advances to the West—*Ethelmar*, the Alderman of *Devon*, and all the Western Thanes, submit to him, and the Burhwara of London also.

(Ethelred deposed.)

Ethelred takes refuge in Normandy with the *Ethelings*, *Edward* and *Alfred*.

Ethelred restored.

1014—Feb. 2. *Sweyne* dies. *Canute*, his son, chosen to succeed him by the Danes, but the Witan of "Angel-Cynn," both clergy and laity, took counsel to recall **Ethelred**—[þa gepæddon þa Witan ealle, gehæddode and gelæpode Angel-Cýnne]—and accept him again as King, upon condition that he would govern them more legally or justly than he did before. *Ethelred* sent his son *Edward* with his plenipotentiaries, and greeted all his people, and promised to be a good Lord to them, and amend all they wished to have amended; and that all things should be forgiven which had been done or said against him, provided they would all turn to him without fraud. And there was full friendship established in word and deed and pledge on either side.—The Danish Kings were outlawed in this Assembly, though part of *Mercia* and *Northumbria* continued subject to *Canute*.

Dani, *Cnutonem* filium *Swani* in regem eligunt; *Angli* contra, naturalem dominum chariorem sibi pronunciantes, si regalius se quam consueverat ageret, e *Normannia* *Ethelredum* regem accersunt. (Malm. de Gestis, II. 10.)

Quo mortuo, filium ejus *Canutum* sibi regem constituit, classica manus *Danorum*. At majores natu totius *Angliæ*, ad regem *Anglorum* *Ethelredum* pari consensu nuncios festinanter miserunt, dicentes se nullum plus amare vel amatuos esse, quam suum naturalem dominum, si ipse vel rectius gubernare, vel mitius eos tractare vellet, quam prius tractarat. Quibus auditis, *Eadwardum* filium suum cum legatis suis, ad eos dirigens, majores minoresque gentis suæ, amicaliter salutavit, promittens se illis mitem devotumque dominum futurum, in omnibus eorum

voluntati consensurum, consiliis acquieturum, et quicquid sibi vel suis ab illis probosc et dedecorose dictum vel contrarie factum fuerat, placido animo condonaturum, si omnes unanimiter et sine perfidia illum recipere vellent in regnum. Ad hæc cuncti benigni responderunt. Dein amicitia plenaria ex utraque parte et verbis et pacto confirmatur. Ad hæc principes se non amplius *Danicum* regem admissuros in *Angliam*, unanimiter sponponderunt. (Flor. Wigorn.)

The Anglo-Saxon Chronicle seems to have preserved the substance, perhaps the words, of the "gewrit" which *Ethelred* addressed to his people.

þa rende ƿe Cýng hƿ runu Eadƿarð, mid hƿ æƿendƿacun hider and het ƿnetan ealne hƿ leodƿice and cƿeap þæt he heom hold hlaford beon ƿolde. And ælc þæra þinga betan þe hi ealle aƿcunodon, and ælc þæra þinga ƿorƿƿen beon ƿceolde þe him gedon oþþe gecƿæden ƿære, ƿiþ þan þe hi ealle anƿædlice buton ƿƿicdome to him gecƿrdon.

1015 Canute ravages Wessex, of which the greater part appears to have been submitted to him.

1016 War throughout the kingdom between Edmund and Canute. Northumbria submits to the latter.

Ethelred dies. The Burgesses of London and part of the Witan choose *Edmund* as their King. *CANUTE* elected by the rest of the Kingdom. Wessex submits to Edmund—Battle of Assingdown—*EDMUND* becomes King of Wessex—*CANUTE* of *Mercia* and the North²⁹. EDMUND.

Edmundus inde pene solus pedem referens, *Glocestriam* venit, ut ibi recollectis viribus, hostes recenti victoria otiosos sicut putabat, aggredereetur. Nec *Cnutoni* audacia defuit, quin fugientem insequeretur. Ita cum infestis signis constitissent, *Edmundus* singularem pugnam petiit, ne duo homunculi propter ambitionem regnandi tot subjectorum sanguine culparentur, cum possent sine dispendio fidelium suorum fortunam experiri. Magnam utrilibet laudem futuram, qui suo potissimum periculo tantum regnum nancisceretur. Hæc cum *Cnutoni* renunciarentur, abnuat prorsus, pronuncians, animo se quidem excellere, sed contra tam ingentis molis hominem corpusculo diffidere; verum, quia ambo non indebitè regnum efflagitent, quod patres amborum tenuerint, convenire prudentiæ, ut depositis animositatibus *Angliam* partiantur. Susceptum est hoc dictum ab utroque exercitu, et magno assensu firmatum, quod et equitati quadraret, et mortalium pace tot miseriis defatigatum placide consuleret. Ita *Edmundus* unanimi clamore omnium superatus, concordie indulsit, fœdusque cum *Cnutone* percussit, sibi *West-saxoniam*, illi concedens *Merciam*. (Malm. de Gestis, II. 10.)

Florence, who places the scene of the pacification on the site of Olney, thus describes the partition:—*West Saxoniam*, *East Angliam*, *East Saxoniam*, cum *Lundonia* civitate et totam terram ab australem partem *Thamesis* fluminis obtinuit *Edmundus*, *Canuto* aquilonares partes *Angliæ* obtinente; corona tamen Regi *Edmundo* remansit. So that *Canute* was to be considered as subject to Edmund's supremacy.

1016 } —Nov. 30. *Edmund* dies. *Canute*, by the assent of the Witan, takes the whole of *Canute*.
1017 } the kingdom, which he divides into four governments, viz. *Wessex*, which he retains to himself, and *East Anglia*, *Mercia*, and *Northumbria*, respectively given to *THURKYLL*, *EDRIC* and *ERIC*. (See *Northumbria*.)

1033 The Scots rebel. *Canute* marches into Scotland, and *MALCOLM*, *MÆLBÆTHA*, and *JEHMARC*, become his vassals.

1031 This year King *Cnute* travelled to Rome—and as soon as he came home he proceeded to Scotland, and *Malcolm*, King of the Scots, submitted to him, and became his man*—[and *Scotta* Cýng him to beah *Mælcol*m and nearth his mann] and two other Kings, *Mælbathe* and *Jehmarc*, also. (Sax. Chron.)

1033 *Cnut* Roma rediens perrexit in *Scotiam* et *Malcolm* Rex *Scotiæ* subditus est ei, et duo alii reges, *Melbeathe* et *Jehmarc*. (Hen. Hunt.)

1033 *Cnut* Rex potentissimus, a Roma rediens, contra *Scotos* rebellantes, expeditionem duxit, et *Malcolmum* regem cum duobus aliis regibus, levi negotio superavit. (Flores Hist.)

Canutus erat autem Rex totius *Daciæ*, totius *Angliæ*, totius *Norwagiæ*, simul et *Scotiæ*. (Diceto.)

1033 Non enim hactenus *Anglorum* regi *Cnutoni*, qui regnum invaserat, pro *Cumbria*, *Duncanus*, quanquam iterum et iterum ab eo summonitus, hominum fecerat; quia non inde sibi de jure, sed regibus *Angligenis* fidem deberi, rescripsit. Qua propter, a *Romana* peregrina-

²⁹ Simon of Durham's narrative of Canute's accession contains many important particulars, which he details more clearly than the other chroniclers.

* One manuscript, employed by Dr. Ingram, adds, "ac he that lytle hwile heold."

WESSEX.

Canute.

natione rediens, confestim magna cum armatorum potentia *Cumbriam*, suo subdendam dominio, pedetentim advenit. Cui Rex *Malcolmus*, forti præsidio suffultus, obviam perrexit, atque per omnia paratus ad pugnam: sed Deo volente, præsulum ac ceterorum interventu proborum, ad hanc quæ sequitur adducti sententiam conveniunt, ut videlicet regis nepos *Duncanus Cumbriæ* dominio libere, sicut predecessorum aliquis liberius tenuit de cetero gaudeat in futurum: dum tamen ipse, futurorumque regum heredes, qui pro tempore fuerint regi *Cnutoni* ceterisque suis successoribus *Anglorum* regibus, fidem consuetam faciant. Et sic ab invicem in pace discedunt per omnia concordati. (Scotichron. iv. 46.)

1033 Genuit autem *Duncanus* avi sui diebus, ex consanguinea *Siwardi* Comitis, duos filios *Malcolmum* scilicet *Canmore*, latine vero, Grossum Caput, et *Donaldum Bane*. Cui *Malcolmus Cumbriæ* regionem, pater, statim ut coronatus est, donavit. (Scotichron. iv. 49.)

- HAROLD HAREFOOT. 1035 CANUTE dies, having appointed Harold Harefoot, his son by *Alfwen*, the daughter of *Elfhelm*, Ealdorman of *Hampshire*, to succeed him in England—Great Council or Meeting of all the Witan held at Oxford. *Leofric*, Earl of *Mercia*, and the Thanes north of Thames, and the Lithsmen of London, choose HAROLD, but Godwin and the Nobles of Wessex oppose this choice, and choose HARDACNUTE, whom Cnute had appointed King of Denmark and of the Danes in England. A compromise is effected, HARDACNUTE is appointed King of Wessex.

HARDACNUTE.

Anno Dominicæ Incarnationis millesimo tricesimo sexto *Haroldus*, quem fama filium *Cnutonis* ex filia *Elfelmi* Comitis loquebatur, regnavit annis quatuor et totidem mensibus. Elegerunt eum *Dani* et *Londoniæ* cives, qui jam pene in barbarorum mores propter frequentem convictum transierant. *Angli* diu obstiterunt, magis unum ex filiis *Ethelredi*, qui in *Normannia*, vel *Hardecnutum* filium *Cnutonis* ex *Emma*, qui tunc in *Danamarchia* erat, regem habere volentes. Maximus tunc propugnator justitiæ fuit *Godwinus* Comes, qui etiam pupillorum tutorem se professus, Reginam *Emmam*, et regias gazas custodiens, resistentes umbone nominis sui aliquamdiu dispulit, sed tandem vi et numero impar, cessit violentiæ. *Haroldus*, sceptro confirmato, novercam exiliavit. (Malm. de Gestis, II. 12.)

- HAROLD HAREFOOT. 1037 HAROLD, King of *Mercia* and *Northumbria*, chosen to be King over all England.

- HARDACNUTE restored. 1040 HAROLD dies. HARDACNUTE invited by the "Proceres," and acknowledged as King of all England by Danes and English.

- Edward the Confessor. 1042 HARDACNUTE dies at Lambeth. Edward the Confessor chosen by the Clergy and Proceres, but chiefly by the influence of Earl GODWIN, and of Livingus, Bishop of Worcester.

According to the Saxon Chronicle, before Hardacnute was buried, "eall folc geceas Edward to Cyng." The interpretation of this expression is found in Malmesbury, and the other authorities. Archbishop Eadsi consecrated him.—[And to eallum tham folce hine pel lānde and to hīr āzene neode and ealer folcer pel manude.] The influence exercised by Godwin is ascertained from other authorities.

Hardecnuto mortuo, *Eadwardus* tam tristi nuncio accepto, incertumque fluctuans, quid ageret, et quo se verteret, nesciebat. Multa volventi potior sententia visa, ut *Godwini* consilio fortunas suas trutinaret. Conventus ille per legatarios, ut pace præfata colloquerentur, diu hesitabundus et cogitans, tandem non abnuit, venientem ad se conantemque ad genua procumbere allevat, *Hardecnuti* mortem exponentem orantemque in *Normanniam* reditus, auxilium ingentibus promissis onerat. Melius esse, ut vivat gloriosus in imperio, quam ignominiosus moriatur in exilio. Illum *Ethelredi* filium, *Eadgari* nepotem, jure ei competere regnum ævo maturo, laboribus defæcato, scienti administrare principatum per ætatem severè miseras provincialium pro pristina egestate temperare; id quo minus fiat, nihil ob stare, si sibi credendum putet; suam auctoritatem plurimum in *Anglia* ponderari: quo se pronior inclinaverit, eo fortunam vergere; si auxilietur, neminem ausurum obstrepere, et e converso. Paciscatur ergo sibi amicitiam solidam, filiis honores integros, filiæ matrimonium; brevi futurum ut se regem videat, qui nunc vitæ naufragus, exul spei alterius opem implorat.

Nihil erat, quod *Edwardus* pro necessitate temporis non polliceretur; ita, utrinque fide data, quicquid petebatur sacramento firmavit. Nec mora, *Gillingham* congregato consilio, rationibus suis explicitis regem effecit, hominio palam omnibus dato. Homo affectati leporis, et ingenue gentilitia lingua eloquens, mirus dicere, mirus populo persuadere quæ placerent. Quidam auctoritatem ejus sequuti, quidam muneribus flexi, quidam etiam debitum *Edwardi* amplexi, pauci qui præter æquum et bonum restitere, et tunc censoriè notati et postmodum ab *Anglia* expulsi. (Malm. de Gestis, II. 13.)

1042 Rex *Anglorum Hardecanutus*, dum in convivio in quo *Osgodus Clapa*, magnæ vir potentiæ, filiam suam *Githam*, Danico et præpotenti viro *Tovio*, *Prudan* cognomento, in loco qui dicitur *Lamhithe*, magna cum lætitiâ tradebat nuptui, lætus, sospes, et hilaris cum sponsa prædicta, et quibusdam viris, bibens staret, repente inter bibendum miserabili casu ad terram corruit, et sic mutus permanens, sexto idus Junii, feria tertia, expiravit, et *Wintoniam*

delatus, juxta patrem suum regem *Canutum*, est tumultatus. Cujus frater *Eadwardus*, annitentibus maxime Comite *Godwino*, et *Wigornensi* præsule *Livingo*, *Lundoniæ* levatur in regem. Cujus pater *Æthelredus*, cujus pater *Eadgarus*, cujus pater *Eadmundus*, cujus pater *Eadwardus* Senior, cujus pater *Alfredus*. (Flor. Wigorn.)

The narrative in Flores Hist. is nearer to the Chronicle than Florence of Worcester:—Cujus frater *Edwardus* annuente clero et populo, *Londinis* in regem eligitur, et ab Archiepiscopis *Cantuariensi* *Eadsio* et *Ebor. Elfrico*, cum sibi subjectis episcopis, in prima die *Paschæ*, in regem apud *Wintoniam* consecratur. The Ramsay Chronicle (cap. 102) seems to contain an independent account, perhaps written by a contemporary. The omission of the name of the Archbishop of York was probably occasioned by his being considered merely as an assistant.

Igitur post *Hardecnutum*, prædictus frater ipsius ex matre *Edwardus* a proceribus *Angliæ* in regem electus, prima die sollemnis *Paschæ*, ab *Edsio Doroberniæ* Archiepiscopo apud *Wintoniam* sacratu est et coronatus. Erat autem vir simplex et rectus, in Dei rebus strenuus; vir, qui propter mansuetudinem innatam, vix etiam injuriis impetitus nosset irasci, unde quia sine severitate causali nullum congrue regi potest imperium, pluribus propter indulgentiam ejus et simplicitatem parum idoneum eum ad tractanda regni negotia arbitrantibus, Deus tamen opera ejus dirigens, et imperium timeri et majestatem ejus ab omnibus fecit adorari.

(Hist. Rams. ut supra.)

1043 Edward consecrated at Winchester on Easter Day.

1043 Quamvis *Edwardus* vel deses, vel simplex putaretur, habebat comites, qui eum ex humili in altum conantem erigerent: *Siwardum Northanimbrensiū*, qui ejus jussu cum *Scottorum* rege *Makbetha* congressus, vita regnoque spoliavit; ibidemque *Malcolmum* filium regis *Cumbrorum* regem instituit. *Leofricum Herefordensiū*, qui eum contra similitudines *Godwini* favore magnifico tutabatur, quod ille fidente conscientia meritorum minus regem revereretur. *Leofricus* cum conjuge sua *Godifa* in Dei rebus munificens, monasteria multa constituit; *Coventriæ* Sanctæ *Mariæ*, *Stow*, *Wenelok*, *Leonense*, et nonnulla alia; cæteris ornamenta et predia, *Coventriæ* corpus suum cum maximo apparatu auri et argenti delegavit. *Haroldum Westsaxonum* filium *Godwini*, qui duos fratres reges *Wallensiū*, *Ris* et *Griffinum*, sollertia sua in mortem egerit; omnemque illam barbariem ad statum provinciæ, sub regis fide redegerit. (Malm. de Gest. II. 13.)

1054 MALCOLM appointed King of Scots by Edward's aid and authority.

1054 Strenuus Dux *Northaninbrorum Siwardus*, jussu regis, cum equestri exercitu et classe valida, *Scotiam* adiit, et cum rege *Scottorum Macbeotha* prælium commisit, ac multis millibus *Scottorum* et *Normannis* omnibus, quorum supra mentionem fecimus, occisis, illum fugavit, et *Malcolmum* regis *Cumbrorum* filium, ut Rex jusserat, regem constituit. In eo tamen prælio suus filius et multi *Anglorum* et *Danorum* ceciderunt. (Flor. Wigorn.)

1054 Dux *Northaninbrorum Siwardus*, jussu regis *Edwardi*, *Scotiam* cum multo exercitu intrans, prælium cum rege *Scottorum*, *Macbeth*, committens, illum fugavit, et *Malcolmum*, ut Rex jusserat, Regem constituit. (Mailros.)

1054 Eodem anno, ex præcepto regis *Edwardi*, strenuus Dux *Northaninbrorum Siwardus*, exercitum grandem in *Scotiam* ducens, regem *Macbotum* de regno suo fugavit, multis *Scottorum* millibus interfectis, cum *Normannis* omnibus. Rex igitur *Eadwardus* regnum *Scotiæ* dedit *Malcolmo* filio regis *Cumbrorum*, de se tenendum. (Flores Hist.)

1056 "GRIFFIN," King of the Welsh, becomes Edward's vassal.

1056 "Earl Leofric and Earl Harold, and Bishop Ealdred, came against the Welsh, and concluded a settlement between them and the English. So that *Griffin* swore oaths that he would behave himself towards King *Edward*, as a true 'Under-King,' and without deceit."* (Sax. Chron.)

Spa þat Griffin gpron aþar, þat he polde beon Eadpārde Kinge hold under Kyng, and unrygende.

1063 } BLETHYN and RYWALLON, Kings of the Welsh, become the vassals of
1064 } Edward, and also of HAROLD, as Earl of Wessex.

1063 In this year, about harvest time, King Griffin was slain, "in nonas Augusti," by his own subjects (fram his agenum mannum.) He was King over all "Wealh cynn," and they brought his head to Earl Harold, and Earl Harold brought it to the King and King Edward bestowed the land upon his two brothers, *Blithgent* and *Rigwalle*.† And they swore oaths, and gave hostages to the King and to the Earl, that they would be faithful to them in all things, and everywhere ready to aid them by sea and land, and they would perform such obligations in respect of the country, as ever was done before to other kings. (Sax. Chron.)

* That is to say, in the form and to the effect of the customary oath of fealty.

† *Blethyn* and *Rywallon*, the sons of *Cenfyn*, half brothers to *Griffin* or *Gruffydh*.

(Wynne's Caradoc, p. 96.)

WESSEX.

Edward the Confessor.

1064 Rex *Norwalanorum Griffinus* a suis interficitur, et caput ejus caputque navis illius, cum ornatura Comiti *Haroldo* mittitur; quæ mox ille regi *Edwardo* detulit. Rex vero *Edwardus* terram regis occisi, duobus fratribus suis *Bleothgenti* et *Rithwalano*, ea conditione concessit, ut fideles illi semper existerent, quod et per sacramentum et obsidibus datis confirmarunt.

(Mailros.)

1064 Rex *Walanorum Griffinus* non. Augusti a suis interficitur, et caput ejus caputque navis ipsius, cum ornatura, Comiti *Haraldo* mittitur, qui mox illa regi detulit *Eadwardo*. Quibus gestis, suis fratribus *Blethgento* et *Rithwalano* Rex terram *Walanorum* dedit. Cui, et *Haraldo* comiti fidelitatem illi juraverunt, et ad imperium illorum mari terraque se fore paratos, ac omnia quæ prius de terra illa, regibus anterioribus fuerant pensa, obedienter se pensuros sponponderunt. (Flor. Wigorn.—Sim. Dunelm. de Gestis.)

1064 Gens *Wallanorum*, nonas Augusti, interfecto Rege suo *Griffino*, caput ejus Duci *Haraldo* miserunt, quod mox *Haraldus* ad regem *Eadwardum* transmittens alium *Wallensibus* regem præfecit, qui *Eadwardo* regi fidelitatem, præstito faciens juramento, omnia quæ regibus *Anglorum* solvi consueverant ipse fideliter se pensurum spondit. (Flores Hist.)

1064 *Griffinus* Rex *Wallensium* a suis occiditur, et caput ejus cum rostro navis ipsius *Haroldo* destinatur, cujus fratribus *Blithgento* et *Ruthis*, Rex *Edwardus* dedit, et fidelitate jurata pro servitio regno *Angliæ* debito singulis annis præsto persolvendo *Walliam* tenendam sibi et posteris suis pacifice concessit. (Ingulphus, p. 68.)

The Welsh laws and Triads acknowledge the tribute rendered to the King of England, or of "London."

Si quis de aliena patria fecerit regi *Aberffraw* injuriam, i. e. *Sarhaed*, reddat ei lxiii libras, et de hac causa quod tantum est *Mechteyrnged*, quod debet Rex *Aberffraw* reddere semel regi *Londoniæ* cum acceperit terram suam ab eo. (LL. Wallicæ, Pref.)

Tria sunt in tota *Cambria* tributa regalia; primum *Aberfravia* accipiet a *Dinevora*, melle solvendum. Secundum tritico solvendum, accipiet a *Mathravala*, tertium est lxiii libræ quæ a rege *Aberfravia* regi *Angliæ* solvendæ sunt. (LL. Wallicæ, ut supra.)

HAROLD. 1066 Death of Edward. HAROLD consecrated as King.

The mode of Harold's accession is stated with great diversity. Malmesbury is the strongest authority for asserting that Harold obtained the throne against the will of the legislature. And it must be recollected, that this writer was the contemporary of Edgar Atheling.—Recenti adhuc regalis funeris luctu, *Haroldus*, ipso Theophaniæ die, extorta a principibus fide, arripuit diadema, quamvis Angli dicunt, a rege concessum: quod tamen magis benevolentia quam judicio allegari existimo, ut illi hæreditatem transfunderet suam cujus semper suspectam habuerat potentiam. Quamvis ut non celetur veritas, pro persona quam gerebat regnum prudentia et fortitudine gubernaret, si legitime suscepisset. (Malm. de Gestis, II. 13.)

Ordericus Vitalis follows on the same side; (Lib. iii. p. 492.) and his statement must be taken as proceeding from an Englishman, who, though dwelling in Normandy, retained all his national feeling.

Post aliquot temporis, piæ memoriæ Rex *Eduardus*, xxiv anno regni sui, nonas Januarii, *Lundoniæ* defunctus est, et in novo monasterio, quod ipse in occidentali parte urbis condiderat, et tunc præcedenti septimana dedicari fecerat, prope altare, quod beatus *Petrus* Apostolus, tempore Melliti Episcopi, cum ostensione signorum consecraverat, sepultus est. Tunc *Heraldus*, ipso tumulationis die, dum plebs in exequiis dilecti regis adhuc maderet fletibus, a solo *Stigando* Archiepiscopo (quem Romanus Papa suspenderat a divinis officiis pro quibusdam criminibus) sine communi consensu aliorum præsulum et comitum procerumque consecratus, furtim præripuit diadematis et purpuræ decus. Audientes autem Angli, temerariam invasionem, quam *Heraldus* fecerat, irati sunt: et potentiorum nonnulli fortiter obsistere parati, a subjectione ejus omnino abstinuerunt. Alii vero nescientes qualiter tyrannidem ejus (quæ jam super eos nimis excreverat) evaderent; et e contra considerantes quod nec illum deicere, nec alium regem ipso regnante ad utilitatem regni substituere valerent, colla ejus jugo submiserunt, viresque facinori, quod inchoaverat, auxerunt.

With these, in substance, agrees the account preserved in Flores Hist.

Defuncto *Eadwardo*, *Anglorum* rege sanctissimo, * * * * * fluctuabant proceres regni, quem sibi regem præficerent et rectorem. Quidam enim *Gulielmo* *Normannorum* Duci, quidam Comiti *Haraldo*, *Godwini* filio, alii autem favebant *Eadgaro* filio *Eadwardi*. *Eadmundus* vero, Latus-ferreum, Rex naturalis de stirpe regum, genuit *Eadwardum*, *Eadwardus* *Eadgarum*, cui de jure debebatur regnum *Anglorum*. Sed *Haraldus*, vir callidus et astutus, intelligens quia nocuit semper differre paratis, in die Epiphaniæ, qua Rex *Eadwardus* sepultus est, extorta fide a majoribus, capiti proprio imposuit diadema. (Flor. p. 221.)

An elegy on the death of the Confessor, inserted in the Anglo-Saxon Chronicle (it appears for the first time in Dr. Ingram's valuable edition), intimates that Harold was designated by Edward as his successor. It has been stated by a respectable cotemporary, that, according to the Saxon Chronicle, a part, if not all of the nobles chose him; but the text merely says, "Her wearth Harold Eorl eac to cýnge gehalgod." Such a choice, however, is affirmed by Florence of Worcester.

Quo tumulto, Subregulus *Haraldus*, *Godwini* ducis filius, quem Rex ante suam decessionem regni successorem elegerat, a totius *Angliæ* primatibus ad regale culmen electus, die eodem, ab *Alredo* Eboracensi Archiepiscopo in regem est honorifice consecratus. Qui mox, ut regni gubernacula suscepit, leges iniquas destruere, æquas cœpit condere, Ecclesiarum ac monasteriorum patronus fieri, Episcopos, abbates, monachos, clericos colere simul ac venerari, pium, humilem, affabilemque, se bonis omnibus exhibere, malefactores exosos habere. Nam ducibus, satrapis, vicecomitibus, et suis in commune præcepit ministris, fures, regni disturbatores comprehendere, et pro patriæ defensione ipsemet et terra marique desudare.

(Flor. Wigorn.)

Battle of Hastings. HAROLD is slain. Archbishop *Aldred*, and the "Burh-warū" of London endeavour to secure the throne for *Edgar Atheling*, the legitimate heir. William prevails against all opposition. On Christmas day he is consecrated as King, at Westminster, by Archbishop *Aldred*; but before he is crowned, he promises to govern the community as well as any king had best done before him, if they would on their part be faithful to him.

..... On midpintre dæg, hine halgode to cýnge Ealdræd Ancebyrcop on Westmýnre, and he realde him on hande mid Cýrte bec. And eac ƿƿon, ær þan þe he polde þa corona him on heafode ƿetnan, þat he polde þýne þeodcýpe ƿpa þel healdan, ƿpa aniz cýnge ætƿonan him betƿt dýde, 3if he him holde beon poldon.

I have given the sense in the text, but no modern equivalent can be found, for the emphatic *þeodcýpe*. Florence explains some of the obscurities of the vernacular chronicle.

Aldredus autem *Eboracensis* Archiepiscopus, et Comites *Edwinus* et *Morcarus* cum civibus *Londoniensibus* et *Butsecarlis*, Clitonem *Eadgarum*, *Eadmundi* Ferrei-lateris nepotem, in regem levare voluerunt, et cum eo se pugnam inituros promiserunt: sed dum ad pugnam descendere multi se paraverunt, Comites suum auxilium ab eis retraxerunt, et cum suo exercitu domum redierunt. Interea Comes *Guilielmus*, *Suthsaxoniam*, *Cantiam*, *Suthamtunensem* provinciam, *Suthregiam*, *Middelsaxoniam*, *Herefordensem* provinciam devastabat, et villas cremare, hominesque interficere non cessabat, donec ad villam, quæ *Beorcham* nominatur, veniret. Ubi *Aldredus* Archiepiscopus, *Wulstanus* *Wigornensis* Episcopus, Clito *Eadgarus*, Comites *Eadwinus* et *Morcarus*, et de *Lundonia* quique nobiliores, cum multis aliis ad eum venerunt, et datis obsidibus illi deditionem fecerunt, fidelitatemque juraverunt. Cum quibus et ipse fœdus pepigit, et nihilominus exercitui suo villas cremare, et rapinas agere permisit. Appropinquante igitur Dominicæ Nativitatis festivitate, cum omni exercitu *Lundoniam*, ut ibi in regem sublimaretur, adiit. Et quia *Stigandus* Primas totius *Angliæ*, ab Apostolico Papa calumniatus est pallium non suscepisse canonice, ipsa nativitatis die, quæ illo anno feria secunda evenit, ab *Alredo* *Eboracensium* Archiepiscopo in *Westmonasterio* consecratus est honorifice, prius (ut idem Archipræsul ab eo exigebat) ante altare Sancti *Petri* Apostoli coram clero et populo iurejurando promittens, se velle sanctas Dei ecclesias ac rectores illarum defendere, nec non et cunctum populum sibi subjectum juste et regali providentia regere, rectam legem statuere et tenere, rapinas, injustaque judicia penitus interdicere. (Flor. Wigorn.)

Interempto *Heraldo*, *Stigandus* *Cantuariensis* Archiepiscopus, et præclari Comites *Eduinus* et *Morcarus*, alique Primates *Anglorum*, qui *Senlacio* bello non interfuerunt, *Edgarum* Clitonem, filium *Edwardi* filii *Edmundi Irnesidæ*, id est Ferrei-lateris, regem statuerunt; et cum eo contra externos hostes pro patria et gente se fortiter pugnatorios minati sunt. Porro *Guillelmus* Dux ubi frequentiore conventum eorum audivit, cum valida manu appropians non procul a *Lundonia* consedit; equitesque quingentos illo præmisit. Qui egressam de urbe contra se aciem, refugere intra mœnia compulerunt: et multa strage filiorum et amicorum facta, civibus ingentem luctum intulerunt. Incendium etiam, urbanæ cædi addiderunt, et quicquid ædificiorum citra flumen erat, cremaverunt. Dux autem *Tamesim* fluvium transmeavit, et ad oppidum *Guarengesfort* pervenit.

Illuc *Stigandus* Archiepiscopus, alique nobiles *Angli* advenerunt; *Edgarum* abrogantes, pacem cum *Guillelmo* fecerunt, ipsumque sibi dominum susceperunt: et ipsi ab eo benigniter suscepti, pristinas dignitates et honores receperunt. *Lundonienses* nihilominus utile consilium percipientes sese in obsequium Ducis tradiderunt: et obsides quos et quot imperarat, adduxerunt. *Edgarus*

WESSEX.

Adelinus, qui Rex fuerat constitutus ab *Anglis*, resistere diffidens, humiliter *Guillelmo* se regnumque contulit. Ille vero, quia idem puer mitis et sincerus erat, et consobrinus *Edwardi* Magni Regis, filius scilicet nepotis ejus erat, amicabilem eum amplexatus est, et omni vita sua inter filios suos honorabiliter veneratus est.

Omnia, disponente Deo, in spatio trium mensium per Angliam pacata sunt, cunctique praesules regnique proceres cum *Guillelmo* concordiam fecerunt, ac ut diadema regium sumeret (sicut mos *Anglici* principatus exigit) oraverunt. Hoc summo fere flagitabant *Normanni*, qui pro fasce regali nanciscendo suo principi subierunt ingens discrimen maris et praelii. Hoc etiam divino nutu subacti optabant indigenae regni, qui nisi coronato regi, servire hactenus erant soliti.

(Ord. Vit. iii. p. 503.)

EARLDOM OF WESSEX.

Upon the accession of *Canute*, when Earls were appointed over *East Anglia*, *Mercia*, and *Northumbria*, the Kingdom of Wessex was retained by him in his own hands. But before the close of his reign, the territory of *Wessex*, together with *Kent* and *Sussex* (to which must be added the dependant *Surrey*, or "*Suthrige*"), became the Earldom of

— *GODWIN*, son of *Wulnoth*, "Child" of the *South Saxons*, and nephew of *Edric Streone*. (See *Mercia*.) He appears to have obtained his appointment from *Canute*, as the reward for his services against the Swedes³⁰.

GODWIN. 1051 *GODWIN* banished. The western part of his Earldom, including the "Wealh kyn," granted to *Odda* (p. cclxiii.)

1052 *GODWIN* restored.

1053—Apr. 15. Death of *GODWIN*³¹. He is succeeded in his Earldom of *Wessex*, and its dependancies, by his son

HAROLD. *HAROLD*, whose Earldom of *East Anglia*, &c. devolves upon Earl *Algar*.

³⁰ *Cnuto* martem in *Suevos* transtulit primò exceptus insidiis, multos ex suis amisit postremò reparatis viribus resistentes in fugam vertit. Reges gentis, *Ulf* et *Eiglaf* ad deditionis pacis adduxit. Promptissimis in ea pugna *Anglis*, hortante *Godwino* Comite incumbuere igitur viribus *Angli*, et victoriam consummantes, comitatum Duci, sibi laudem paraverunt. (Malm. II. xi.) This is the first notice of Godwin. The territories composing the Earldoms of Godwin and his sons are enumerated in the narrative of the gathering against *Edward* the Confessor. (1051.) Talia geri in suo comitatu, Comes *Godwinus* graviter ferens, de toto suo comitatu, scilicet de *Cantia*, *Suth Saxonia*, et *West Saxonia*; et filius ejus primogenitus *Swanus* de suo, id est de *Oxnafordensi*, *Glawornensi*, *Herefordensi*, *Sumerseatunense*, *Bearucscirensi* provinciis; alterque filius *Haraldus* de suo comitatu videlicet de *East Saxonia*, *East Anglia*, *Huntedunensi*, et *Grantebricgensi* provinciis, innumerabilem congregaverunt exercitum. (Flor. Wigorn.)

³¹ cujus ducatum suscepit filius ejus *Haraldus*; et ejus comitatus datus est *Algaro*, *Leofrici* comitis filio. (Flor. Wigorn.)

DOMINIONS INCLUDED IN THE KINGDOM OF THE
WEST SAXONS.

WIGHT. JUTES OR GOTHs.

WIGHT.

- 530 CERDIC and CYNRIC take the Island—slay many of the Britons in “Wihtgara byrig,” and bestow the Island on STUFFA and WIHTGAR, the nephews of CERDIC³². (See p. ccxxiv.) STUFFA and WIHTGAR.
- 544 Death of WIHTGAR—he is buried at *Wihtgara-byrig*. WIHTGAR.
- 661 Wight conquered by WULFERE, of *Mercia*, and granted by him to ETHELWOLD, King of *Sussex*. (See *Sussex*.)
- 686 ARVALD, King of *Wight*. The Island is attacked by CEADWALL and Mollo. ARVALD. The Brethren of *Arvald* are cruelly slain³³.
- ASTULPH, King of the *Vectian Jutes*, of whom only the name is known³⁴. ASTULPH.
- 900 ALBERT, or ÆLBERT, son of ASTULPH, reigned about the time of Alfred, after whose death the succession of Kings ceased, and the *Vectians*, or men of Wight, submitted to Edward the Elder³⁴. ALBERT.

HAMPSHIRE. SAXONS, AND JUTES OR GOTHs.

HAMPSHIRE.

- 755 SIGEBERHT, King of Wessex, retains this Province after his deposition. (See SIGEBERHT. p. ccxxxvii.)
- 860 OSRIC, Ealdorman or Dux of *Ham-tunscire*, resists the Danes. OSRIC.
- 897 Death of WULFRED, Ealdorman of this Shire. WULFRED.
- 971 Death of ALFEAG, or ELFEG, “*Dux Suthamtensium*”³⁵. ELFEG.
- 982 Death of ÆTHELMAR, Ealdorman of *Hampshire*. ÆTHELMAR.

³² Huntingdon has a full account of the prowess of *Stuffa* and *Wihtgar* :—

Sexto namque anno post bellum prædictum, venerunt nepotes *Certic*, *Stuf* et *Witgar* cum tribus navibus apud *Certicesore*. Primo autem mane duces *Britannorum* acies in eos, secundum belli leges pulcherrimè construxerunt, cumque pars eorum in montibus, pars eorum in valle progredereetur cautè et excogitatè, apparuit sol oriens, offenderuntque radii clipeis deauratis, et resplenderunt colles ab eis, aerque finitimus clarius refulsit, timueruntque *Saxones*, timore magno, et appropinquaverunt ad prælium; dum autem collidentur exercitus fortissimi, fortitudo *Britannorum* dissipata est, quia Deus spreverat illos, et facta est victoria patens, et adquisierunt duces prædicti regiones non paucas, et per eos fortitudo *Kertici* terribilis facta est, pertransiitque terram in fortitudine gravi. (II. p. 179.)

According to Malmesbury, the island was bestowed upon *Wihtgar* only, whom he describes as the son of *Cerdic's* sister; and he also extols the prowess of the Jutish warrior.—Is cum sanguinis propinquitate tum bellandi artibus avunculo juxta charus (ejus enim ex sorore nepos erat) celebrem in eadem insula primo principatum, post etiam sepulturam, accepit. (I. 2.) Obscure as these leaders now appear, they evidently held a prominent station in Anglo-Saxon tradition; and the grant made to them by *Cerdic* explains the formation of the dependant appanages held by the junior branches of the Royal families. Of their kin was *Oslac*, “*Pincerna*” of King *Ethelwulf*, and father of *Osburgha*, mother of *Alfred*. (Asser, p. 5.) Huntingdon probably translated an historical poem similar to that which commemorates the deeds of *Brithnoth*, Ealdorman of East Anglia.

³³ Bede (iv. 16) is extremely succinct in his narrative. The “*Fratres Regis Arvaldi*” were afterwards canonized, but their legend conveys no further information.

³⁴ Wallingford, p. 538.

³⁵ Flor. Wigorn. only. When not otherwise expressed, the authority is the Saxon Chronicle.

WESSEX—HAMPSHIRE.

ETHELWARD. ⁹⁹⁴ } ETHELWARD ⁸⁶.
 ⁹⁹⁵ }

[ELFRIC?] 1003 "Fyrd," or general array, of Hampshire under the command of Ealdorman ELFRIC.

[ELFHELM. 1006 ELFHELM, slain by the procurement of EDRIC STREONE ⁸⁷.

WINCHESTER.

WINCHESTER.

897 Death of Beornwulf, "Wiegerefa," or Præpositus of this city.

"Hamtunscire" was the first seat of the West Saxons, but it was peopled also by a colony of Jutes, who settled in the Isle of Wight, and on the opposite coast, where they were considered as a distinct nation till the time of Bede. De Jutarum origine sunt Cantuarii et Vectuarii, hoc est ea gens quæ Vectam tenet insulam, et ea, quæ usque hodie in Provincia Occidentalium Saxonum, Jutarum natio, nominatur, posita contra insulam Vectam. (Bede I. 15.) The river "Homilea," or Humble, ran through "Eota land," as it is called by Alfred, and a place called "ad lapidem," or "Æt Stane," was within the boundaries of this English Jut-land.

BERKS.

BERKS.

ETHELWULF. 860 ETHELWULF, ADULF, or ATHULF, Ealdorman of Berkshire, "Bearroccensis Pagæ Comes," (Asser) defeats the Danes. (Dux Provinciæ Bearrucscire—Ethelward IV. 1.)

871 ETHELWULF, slain by the Danes, at Reading. (Asser, p. 21.—Ethelward IV. 1.)

WILTS.

WILTS.

WEOXTAN. 800 WEOXTAN, Alderman of the Willsættum about this time. Battle between him and ETHELMUND of Hwiccas.

ATHELHELM. 887 ATHELHELM, or ETHELM, "Comes Wiltunensium" about this time ⁸⁸.

893 ATHELHELM, Ealdorman of Wiltshire, dies.

[ELFRIC?] 1003 "Fyrd" of Wiltshire under the command of Ealdorman ELFRIC.

SOMERSET.

SOMERSET.

HUN. 823 HUN, Duke of Somerset, killed in battle ⁸⁹ against the Mercians at Ellendune (p. cccxxix.) Buried at Winchester.

EANWULF. 845 EANWULF, with the Sumersættun, defeats the Danes.

854 } EANWULF, "Summursuttensis pagæ Comes," conspires against ETHELWULF.
 855 } (Asser. 9, and see p. ccxli.)

867 Death of EANWULF ⁴⁰.

⁸⁶ This "nobilis Dux Ethelwardus," or "Ethelward, Ealdorman," was charged to meet Anlaf, in conjunction with Alfeg, Bishop of Winchester, and they afterwards escorted the Danish Prince to Andover. It is therefore probable that he held office in this Province. Ethelward the King's "Heah-gerefa," who headed the Fyrd or levy of Hampshire, in the battle of Alton (1001), on which occasion he was slain, may be the same individual, unless the Heah-gerefa be considered as the Ethelward, son of Ethelmar, slain by Canute in 1013. (Flor. Wigorn. and Chron.)

⁸⁷ He was the father of Elfgiva, or Ælfwin, the mother of Harold. The first name is given to her by the Chroniclers—the last by the Book of Ramsey (p. 447.) According to Flor. Wigorn. he was Dux of North-Hampton.

⁸⁸ For the variations of his name see Saxon Chron., Asser, 55, and Ethelward IV. 3.

⁸⁹ Hun ibi occiditur, Dux provinciæ Sumersættun, requiescitque in urbe Wintonia. (Ethelward III. 2.) The other chroniclers notice the battle, but omit the name of the leader.

⁴⁰ In eodem anno, migravit Eanwulf, Dux Provinciæ Sumersættun. (Ethelward IV. 2.)

PROOFS AND ILLUSTRATIONS.

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SOMERSET—WESSEX.

- 878 *ATHELNOTH*, Dux of Somerset about this time, continues faithful to ALFRED⁴¹. *ATHELNOTH*.
 1013 Somerset and Dorset included in *SWEYNE*'s Earldom (p. cclx.) *SWEYNE*.
 1051 Upon the banishment of *SWEYNE*, Somerset is included in *ODDA*'s Earldom⁴². *ODDA*.

BATH.

BATH.

- 907 Death of *Alfred*, "Wic Gerefa" of Bath.

DORNSETTAS. (DORSET.)

DORSET.

- *EGELWARD*, or *ETHELWARD*, Dux Dorsetensis in the reign of Edgar, founder of the Monastery of Pershore⁴³. *ETHELWARD*.
 837 Ealdorman *ATHELHELM*, or *ETHELM*, defeats the Danes at Portland. *ATHELHELM*.
 845 *OSRIC*, Ealdorman, with the *Dornsett*s, defeats the Danes at "Pedridan-muthe," i.e. the Mouth of the Parret. *OSRIC*.
 — Dorset included in *GODWIN*'s Earldom of *Wessex*. *GODWIN*.
 1051 Dorset included in *ODDA*'s Earldom⁴². *ODDA*.

WEST WALES—DAMNONIA or DYVNAINT⁴⁴ (afterwards Devonshire) and CERNAU or CORNWALL. WEST WALES.

- 530 *GERAINT*, the son of *ERBIN*, Prince of *Dyvnaint*, killed by the Saxons at Llongborth⁴⁵ (p. ccxxxiv.) *GERAINT*.
 CONSTANTINE⁴⁶. *CONSTANTINE*.
 589 *GERAINT II.*⁴⁷ From this period the Britons of the West seem to have been compelled to submit to the supremacy of the English. *GERAINT II*.
 652 } Britons of the West endeavour to recover their liberty, they are defeated by CEN-
 658 } WALCH (p. ccxxxv.)
 681 Britons driven to the sea by *CENTWIN* (p. ccxxxvi.)
 710 *GERAINT III.*⁴⁸ *GERAINT III*.

⁴¹ This notice of *Athelnoth* is found only in *Ethelward* (IV. 3.)

⁴² And man sette þa Oddan to Eorle, ofer *Defena-scire*, and ofer *Sumer-sæton*, and ofer *Dor-sæton*, and ofer *Wealas*.

⁴³ Malm. de Gestis Pontificum (p. 162.) Perscore perfecit et fundavit cænobium tempore Regis *Eadgari*, *Egelwardus*, Dux *Dorsetensis*, minime parvus animo, sed effuso in largitatem studio.

⁴⁴ This province in the British period included Cornwall. The Anglo-Saxon or English settlers acquired the name of *Defensættas*. The Britons are known by the usual denomination of *Wealh*. And it seems, from the language employed in *Alfred*'s will (p. 17), that Cornwall, Devon, Somerset, Dorset, and perhaps Wilts, were then collectively known by the name or designation of the *Wealh-cynn*, from the number of British inhabitants. The following passages from *Asser* may shew the manner in which the double nomenclature of places, British and Anglo-Saxon, prevailed in this district: "Saltus qui dicitur *Selwudu* (*Selwood*) *Britannice*, *Coitmaur*" (p. 33.) "In paga quæ dicitur *Britannice Durngweis*, *Saxonice* autem *Thornsæta*," (p. 27.)

⁴⁵ That *Geraint I.* was really a Prince of *Damnonia*, is one of the best attested facts of British history; and it should seem, from the elegy of *Llewarch Hên*, that he had long withstood the Saxon power.

⁴⁶ *Immundæ lænæ Damnoniæ tyrannicus catulus*, *Constantinus*. (Ep. Gildæ, p. 10.) The British histories or traditions represent him as the son of *Cador*. The *Ulster Annals*, 588, notice the "conversio *Constantini* ad Dominum." This individual is supposed to have been the King of *Damnonia*, who, after abdicating his throne, became a monk in Ireland.

⁴⁷ By whom *St. Teliaw* was hospitably received, when migrating to *Armorica*. (Uss. 290.)

⁴⁸ To whom *Aldhelm* addressed his Epistle on the observance of Easter. This curious document is printed by *Alford*, II. 408, and in other collections. This *Geraint*, or *Gerontius*, with whom *Ina* fought,

WESSEX—WEST WALES.

- BLADERIC.* 730 *BLADERIC*, said to have been Prince of *Cornwall*. (Wynne's Caradoc.)
 755 Accession of *CYNEWULF*, who, in 766, was engaged in many wars with the Britons of the West (p. ccxxxviii.)
 809 *EGBERT* subdues the Britons of *Cornwall* (p. ccxxxix.)
 813 } *EGBERT* herries *West Wales* (p. ccxxxix.)
 814 }
 823 Battle of *Gavelford*, between the Britons and the *Dena*, i. e. the Anglo-Saxon settlers of *Damnonia*, who appear, about this era, to have gained the dominion of the soil (p. ccxxxix.)
 835 Danes land in *West Wales*, and are joined by the Britons.
DONGERTH. 872 *DONGERTH*, King of *Damnonia*, drowned⁴⁹.
 897 Death of *Wulfric*, the "*Weal-Gerefa*," probably the officer by whom such of the British Provinces as were in the King's hands were administered.
OWEN, or HUGANUS. 917 } *HUGANUS*, Lord of *West Wales* about this time⁵⁰, perhaps only of a part of the
 938 } country to the West of the *Tamar*.
HOWELL. 926 } *HOWELL*, King of *West Wales*, becomes the vassal of *Athelstane*⁵¹.
 938 }
ODDA. 1051 *ODDA* appointed Earl over the "*Wealas*," who had been hitherto included in *GODWIN*'s Earldom (p. cclxiii, Note⁵²).

The notices of West Wales do not enable us to distinguish accurately between Devon and Cornwall. Many of the Ealdormen, and other rulers of Devon, are also ascribed to Cornwall. Asser's diocese of Sherborne, or, as he writes it, Exeter, extended into Cornwall and "Saxony." "Dedit mihi Exanceastre, cum omni parochia quæ ad se pertinebat, in *Saxonia* et in *Cornubia*." (p. 51.)

Somewhat earlier than this period the compact between the Britons and the English seems to have been concluded.—This is *seo gerædnisse þe Angelcynnes witan, and Wealhþeode Redboran, betwox Devnsetan gesetton*.—It appears that the boundary between the "*Wylisc-land*" and the "*Englisc-land*" was a river, and I conclude that river to be the Exe, and not the *Tamar*, because the treaty is expressed to have been made between the *Devnsættan*, that is to say, between the "*Wylisc*" Devonshire men, and the "*Englisc*" Devonshire men. If it had been an agreement between the Cornish Britons and the Englishmen of Devonshire, instead of being agreed upon *betwixt* the *Devnsettas*, it would naturally, and according to the usual forms of speech which then prevailed, have been expressed as made *betwixt* the *Cornwealas* and the *Devnsettas*. (Wilkins, p. 125.)

DEVONSHIRE.

ANGLO-SAXON EALDORMEN OF DEVONSHIRE.

- CEORL.* 851 *CEORL*, Comes *Domnanicæ* (Asser) or *CEORL*, Ealdorman of *Devonshire*, gains a great victory over the Danes.
ODDA. 878 *ODDA*, "*Dux Provinciæ Defenum*," (Flor. Wigorn.) besieged by *Halfdene*.

(p. ccxxvi), is considered by Dr. Owen Pugh as the last of the *three* Geraints. The style given to *Geraint* by *Aldhelm*, may lead to the supposition that he was the chief of the Princes of the *Wealas*.

"Domino gloriosissimo, Occidentalis regni scepra gubernanti, quem ego fraterna charitate amplector, *GERUNTIO* Regi, simulque cunctis Deo sacerdotibus per *Damnoniam* conversantibus *Althelmus*, sine meritorum prærogativa abbatis officio functus, optabilem in Domino salutem." (Alford II. 408.) This is the epistle concerning the due observance of Easter, to which Bede alludes (V. 19), and from its tenor we can collect, the Bishop of Sherborne did not then assume any episcopal authority over the Britons of *Damnonia*; he exhorts them as brethren, and advises them, not as their pastor, but as their friend.

⁴⁹ According to Carew (p. 78) and Cressy, in his Church History (p. 746.) A stone pillar, standing at *Pen-nant*, in the County of Cornwall, is supposed to have been erected to his memory. (Camden, I. 21.)

⁵⁰ According to Wynne's Caradoc (p. 46), this *Huganus* was defeated by *Elfreda*, at *Brecknock*. Our chroniclers only notice the capture of the wife of the British King; and it is by no means certain that *Bricenamere* is *Brecknock*. *Ægefleda*, Merciorum Domina, in terram Britonum ad expugnandam arcem apud *Bricenamere* misit exercitum, qui, expugnata arce, uxorem Regis Britonum, et triginta quatuor homines captivos in Merciam adduxerunt. (Flor. Wigorn.) *Huganus* is evidently the *Eugenius* (i. e. Owen) who attended the Witenagemot of *Athelstane* in 938. (See p. ccxlvii.)

⁵¹ See p. ccxlv. This *Howel* also attended the Witenagemot in 938.

PROOFS AND ILLUSTRATIONS.

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DEVONSHIRE—WESSEX.

- 899 } *ÆTHERED*, or *EDRED*, Ealdorman of *Defenum*, dies one month before the death of *ÆTHERED*, or *EDRED*.
 900 }
 926 Britons expelled by *Æthelstane* from Exeter, which they had hitherto inhabited in common with the English. (p. 410.)
 971 *ORDGAR*, or *ARIDGAR*, Dux *Devonensium*, dies—father of *Elfrida*, *Elfthrida*, or *ORDGAR*, or *ARIDGAR*.
Elfrida, the queen of *Edgar*.⁵² (Flor. Wigorn.)
 — *ORDWULF EDULF* or *EADULF*, son of *ORDGAR*⁵⁴, Dux of Devonshire. *ORDWULF*.
 1013 *ÆTHELMAR*, “Comes *Domnaniæ*,” (Flor. Wigorn.) and the Western Thanes *ÆTHELMAR*.
 (Sax. Chron.) or “Occidentales Ministri,” submit to *SWEYNE*⁵⁵.
 1020 Devonshire included in *GODWIN*’s Earldom of *Wessex*. *GODWIN*.
 1051 Devon included in *ODDA*’s Earldom. *ODDA*.

- 988 *Goda*, “Satraps *Domnaniæ*,” (Flor. Wig.) or the Thane of Devon (Saxon Chron.) (Goda.)
 slain by the Danes. *Strenwold*, a valiant knight or soldier, fell in the same battle⁵⁶.
 1001 *Cola*, the King’s Heah-gerefa, leads the Fyrd of Devon against the Danes. (Cola.)
 1003 *Hugh* the Norman, Gerefa of Devon about this time⁵⁷. (Hugh.)
 1017 *Brihtric*, the son of *Alfheg*, Satrap of *Devon*, slain by the orders of *Canute*⁵⁸. (Brihtric.)

CERNAU, or CORNWALL,

CORNWALL.

— *GOODRICH*⁵⁹.

GOODRICH.

⁵² Eodem anno obierat *Edred* Dux *Davenescyre*, uno mense ante obitum *Ælfridi* Regis qui cum eo multa fidelis et fortis gesserat bella. (Hen. Hunt.)

⁵³ The history of *Ordgar* is probably taken in part from popular ballads. *Malmesbury* (de Gestis, II. 8) is more concise than *Bromton* (p. 886) in his narrative of *Elfrida*’s adventures, and his greater brevity is probably occasioned by the more critical use of his materials; *Edgar* was married to *Elfrida* in 964—965. Rex Anglorum pacificus *Eadgarus*, *Ordgari* Ducis *Domnaniæ* filiam post mortem *Ethelwoldi* [*Elfwoldi*, S.D.] viri sui gloriosi Ducis *Orientalium Anglorum* in matrimonium accepit, ex qua duos filios *Eadmundum* et *Egelredum* suscepit. Habuit etiam prius, ex *Egelfleda* candida, *Ordmeri* Ducis filia, *Edwardum* postea regem et martyrum. (Sim. Dun. and Flor. Wigorn.) *Ordgar* founded the monastery of *Tavistock* in 961.

⁵⁴ This “venerabilis Comes” (*Cartularium de Tavistoke*, Mon. III. 494) is reported to have been of gigantic size, and of strength corresponding to his magnitude. The drowsy warder of *Exeter* delaying to open the gates, he burst them open, demolishing also a part of the stone jambs on which they hung. (*Malm. de Pontif.*) *Ordwulf* was such a bounteous benefactor to the monastery of *Tavistock*, that he was considered as a founder.

⁵⁵ *Ethelmar*, or *Ailmar*, is supposed to be the founder or benefactor of *Eynsham*. If so, he was the son of a “Dux *Ethelweard*,” as appears from *Ethelred*’s charter. (Mon. III. 12.)

⁵⁶ et Miles fortissimus *Strenwoldus* cum aliis nonnullis perimitur—sed tamen ex Danis plurioribus occisis, Angli loco dominantur funeris. (Flor. Wigorn. and Sim. Dun.) This passage is not in the existing *Saxon Chronicles*.

⁵⁷ Hoc anno Rex *Danorum Suanus*, per consilium incuriam et traditionem *Normannici* Comitis *Hugonis*, quem Regina *Emma*, *Domnaniæ* præfecerit, civitatem *Eaxancestriam* infregit. (Flor. Wigorn.) Her wæs *Eaxancestre* abrocen þurh þone *Frenciscan Ceorl* (read *Eorl*) *Hugon*, þe seo *Hlæfdige* heafde gesett to gerefan.

⁵⁸ 1017 Dux *Normannus* filius *Leofwini* Ducis, frater scilicet *Leofwini* Comitis et *Æthelwardus* filius *Agelmar* Ducis et *Brihtricus* filius *Alphegi* *Domnaniensis* Satrapæ sine culpa interfecti sunt. (Flor. Wig.) *Norman* *Leofwines* suna *Ealdormannes*, and *Æpelweard* *Æpelmares* suna þæs grætan, and *Brihtric* *Ælfeges* suna on *Defenascire*.

⁵⁹ Earl *Godrich* of *Cornwall*:—

Wys man of rede, wys man of dede,
 Men haveden of him mikel drede,

appears in the *Romance of Haveloke*. If this redoubtable personage ever existed, we must place him towards the middle of the ninth century.

KENT.

KENT. JUTES.

- 446 *Hengist* and *Horsa*, Duces, or "Heretogas," of the Jutes, land at *Ipwines Fleet*—obtain the Isle of *Thanet*, which, in the British tongue, was called *Ruim*.
- 455 Battle between the Saxons and Britons near the river *Dereuent*. (Nennius, c. 46.)—A second battle between *Hengist* and *Horsa* and WYRTGEORNE, or VORTIGERN, at Epsford, which, in the British tongue, was afterwards called *Saessenaeg habail*, or, the Slaughter of the Saxons. CATIGERN, the son of VORTIGERN, fell in this battle, but *Horsa* was killed, and the Britons claim the victory¹.—A third battle was fought on the shores of the Channel, the result whereof, according to the British authorities, proved so unfavourable to the Jutes, that the "barbarians" were compelled to return to their "keels."
- 457 Battle of *Creccanford*, in which 4000 Britons are slain. The Britons forsake "Kent land," and fly to London. As it is stated, that the Britons "now abandoned Kent," it is evident that up to this period the Saxons had only a partial possession. But henceforth the dominion of the country was vested in *Hengist* and *Æsc*².
- HENGIST. 465 Battle between HENGIST and ÆSC and the Britons; of the latter, twelve chiefs or
ERIC, or ÆSC. Ealdormen are slain. From the death of *Wypped*, a Saxon Theyn, who fell in this battle, the place was afterwards called *Wyppedes-fleot*.
- 473 HENGIST and ÆSC fight with the Britons, and take immense plunder. The Britons "fly from them like fire."
- 488 HENGIST dies³.
ERIC, or *ÆSC*, succeeds to the government of all Kent, and he was King of the "Cantwara" during twenty-five years, and from him the Kings of Kent, his descendants, acquired the name of *Æscingas*⁴.

¹ The *Dereuent* seems to be the *Darent*, a stream which gives its name to *Dartford*. I find the correction of "*Saessenhaeg habail*" in *Langhorne* (p. 13), who appears to have used a better manuscript of Nennius than that which has been printed by Gale. A copy in my possession containing notes, selected or transcribed from Archbishop Usher's collections, reads "*Saeth yn y gafael*." Whatever credit may be given to Nennius, it is clear that he is here repeating traditions, current amongst the Britons, concerning a country which had long been alienated from their power, though not from their recollection. And though I will not absolutely maintain that there were any Britons in Kent at that period, who gave this British name to *Epsford*, still it shews that the British tongue must have continued to be spoken in Kent for a period sufficiently long after the Saxon conquest, to have fixed the appellation to the scene of battle. And, as late as 694, the British name of *Ruym* is added to that of *Thanet*, in a Saxon charter.—(Thorne, 2234.) According to the authority of Florence of Worcester, the Saxons gained the battle. But there is no improbability whatever in admitting that the invaders may have sustained great fluctuations of fortune before and after each victory. The very remarkable monument called *Kit Coly's house*, is traditionally supposed to mark the grave of *Catigern*.

² Their joint succession is placed by some authorities in 455, but the Saxon Chronicle only states that this event happened after the death of *Horsa*. *Langhorne* supposes this battle of *Creccanford* or *Crayford* to be the battle on the *Darent* mentioned by Nennius. *Huntingdon* has a detailed and curious narrative, in which the expressions betray the feeling of the Anglo-Saxon Scald, whose verse he translates. Thus, in the "*Drapa*," in the battle of *Brunnaburgh*—*Myrce ne wyrndon Heordes hond plegan Helepa nanum*.

Anno verò sequenti, regnante Leone imperatore, qui regnavit septem decim annis, morbo periit flos juvenum *Gortimerus*, cum quo simul spes et victoria *Brittonum* exstincta est. *Hengist* igitur, et *Esc* filius suus, receptis auxiliis a patria sua, et morte juvenis freti, bello se præparunt apud *Creccanford*. *Britanni* vero quatuor phalanges maximas, quatuor ducibus munitas fortissimis, bello prostituunt. Sed cum ludum belli, *Brittones* inissent, numerum *Saxonum* majorem solito, malè ferebant, recentes quippe, qui supervenerant, et viri electi erant, securibus et gladiis horribiliter corpora *Brittonum* findebant: nec tamen cesserunt donec quatuor duces eorum prostratos et cæsos viderunt: tunc verò ultra quàm credi potest perterriti, a *Cen* usque in *Londoniam* fugerunt, et nunquam in *Cantua* postea gratia pugnandi venire ausi sunt: exinde regnavit *Hengist* et *Esc* filius suus in *Cantuaria*. (Hunt. I.)

³ From 477 to 514, *Ælla* enjoyed the dignity of *Bretwalda*, and Kent must therefore be considered as subjected to his supremacy, unless exempted in consequence of its anterior settlement.

⁴ According to Nennius (c. 62) *Æsc*, whom he calls *Ocha*, returned to Kent from the left or northern

PROOFS AND ILLUSTRATIONS.

cclxvii.
KENT.

- *OCHA*, or *OCHTA*, said to be the son of *ÆSC*⁵. *OCHA*.
- *ERMERIC*, son of *OCHA*, or of *ÆSC*. *ERMERIC*.
- *ETHELBERT*, son of *ERMERIC*. *ETHELBERT*.
- Ceawlin*. 568 *ETHELBERT* engages in war with *Ceawlin* and *CUTHA*, probably for the purpose of asserting his supremacy, but he is defeated at "*Wibbandune*," and two of the Kentish Ealdormen, *Oslac* and *Cnebba*, are slain.
- 589 About this time *Æthelbert* had acquired the dignity of Bretwalda⁶. (p. cccxxiv.) *Æthelbert*.
- 596 } Arrival of *Augustine*.
- 597 }
- 604 The East Saxons subjected to *Æthelbert* as Bretwalda, *SÆBRYHT*, or *SEBERCT*, his nephew, being their King, under his supremacy. (See Essex.) *Æthelbert* founds the Bishoprics of *London* and *Rochester*.
- 616 Death of *Æthelbert*, who is succeeded by his son, *EADBALD*—the "*Reguli*" who had been subjected to his father, withdraw their obedience⁷. *EADBALD*
- Oswald*. { 640 Death of *EADBALD*—*ERCONBERT*, his second son, succeeds, to the prejudice of *Ermenred*, his elder brother⁸. *ERCONBERT*
- 635—642 {
- Oswin*. { 664 Death of *ERCONBERT*, who is succeeded by his son, *ECGBRYHT*, or *EGBERT*. *EGBERT*.
- 642—670 { *Ermenred* had left two sons, *Ethelbert* and *Ethelred*, who were murdered, after the accession of *EGBERT*, by his Thane, *Thunner*. It is said, that *Thunner* committed this act, either by his directions, or in the hope of pleasing his master⁹.
- 673—July. *EGBERT* dies. *HLOTHERE*, or *LOTHAR*, his brother, succeeds, to the prejudice of his nephew, *EADRIC*, son of *ECGBERT*, whom he attempts to exclude from the succession¹⁰. *HLOTHERE*, or *LOTHAR*

parts of Britain. . . . et de ipso orti sunt Reges illius patriæ. Ethelward omits one link in the genealogy, inasmuch as he represents Ermeric to be the grandson of *Hengist*.

Erat autem *Ædilbert* filius *Ermerici* cujus pater *Octa*, cujus pater *Oeric* cognomento *Oisc*, a quo Reges *Cantuariorum* solent *Oiscingas* cognominare. (Bede II. 5.)

⁵ Malmesbury doubts whether they reigned singly or conjointly. His observations on the variations of the authorities which he is unable to reconcile, are worthy of remark:—

Hengistus, reliquit filium *Eisc*, qui magis tuendo quam ampliando regno intentus, paternos limites nunquam excessit. Consumptisque annis viginti quatuor, filium *Otham* (*Ocham* vel *Ochtam*) ejusdemque filium *Ermericum* habuit successores, sibi quam avo aut proavo similiores; amborum temporibus quinquaginta et tres anni deputantur in Chronicis; cæterum, si singillatim vel communiter regnaverunt, non discernitur.

(Malm. de Gestis, I. 1.)

⁶ It is to this period that we must refer the remarkable coin (Ruding, III. 1), the reverse whereof is impressed with the Roman emblem, the Wolf and Twins. Ruding has ascribed this coin to the second *Ethelbert*, but without any sufficient authority.

⁷ When *Redwald*, of East Anglia, became Bretwalda—whether in *Ethelbert*'s lifetime, or afterwards, is uncertain—it is most probable that Kent was subjected to him. *Edwin* (Bretwalda, 617—633) exempted Kent from subjection, in consideration of his marriage with the daughter of *Ethelbert*. (Bede, X. 2.)

⁸ According to Flores Hist.—Eodem anno *Eadbaldus* Rex *Cantuariorum* tandem ex hac vita transiens, duos filios *Ermenredum* et *Erconbertum* regni temporales reliquit hæredes, sed junior *Erconbertus* callide regnum fratri surripiens illum regno privavit.

⁹ The legendary account of these two young princes (Thorne, p. 1906) has the poetical machinery which usually accompanies similar narratives. Yet it probably gives us as true an account of the fate which befel the Saxon Athelings, as Shakspeare's tragedy affords of the death of Arthur. Malmesbury glances at the misdeed:—Quicquid boni potest diebus *Ecgberti* ascribi, attenuat facinus quo *Elberhtum* et *Egilbrightum* filios patrum, aut interemit aut interim æquanimiter passus fuit.

¹⁰ Successit *Egberto* frater *Lotharius*, alite mala regnum ingressus, quippe qui per undecim annos infestante *Edrico* filio *Egberti* frequenter et varia sorte civilibus bellis conflictatus, novissimeque jaculo corpus trajectus, ipso vulnere inter medendum vitam effudit. Sunt qui non taceant fratres ambos cita morte merito crudelitatis absumptos, quod *Egbertus* filios patrum innocentes, ut dixi, occiderit: *Lotharius* martyres pro palatos irriserit, quamvis prior et factum ingemuerit, et matri fratruelium partem insulæ *Thanatos* ad ædificandum monasterium concesserit. (Malm. de Gestis, I. 1.)

885 *Hlothari*, *Cantuariorum* Rex, cum post *Ecgbertum* fratrem suum qui novem annis regnaverat, ipse duodecim annis regnasset, mortuus erat octavo Idus Februarias; vulneratus namque est in pugna *Australium Saxonum*, quos contra eum *Edric* filius *Ecgberti* aggregaret, et inter medendum defunctus. (Bede II. 26.)

KENT.

HLOTHERE and EADRIC.

676 *Æthelred* of Mercia invades Kent. *HLOTHERE* flies before him—the conqueror ravages the country, and destroys *Rochester*¹¹.

— It appears from the laws jointly enacted by *HLOTHERE* and *EADRIC*, that the latter had obtained a share in the sovereignty—great dissensions however prevailed between them, and it is said that *HLOTHERE* attempted to nominate his own son, *Richard*, as his associate on the throne. *EADRIC* obtains the assistance of the South Saxons, who invade Kent—a battle takes place, in which *HLOTHERE* received a wound, of which he died, Feb. 6th, 685¹².

EADRIC.

685 *EADRIC* succeeded to the whole of the Kingdom, and reigned for about a year and a half, after which he came to an evil death, and a troubled period ensued, during which Kent became a prey to strange or intrusive Kings, until the accession of the “legitimate King,” *WIHTRED*¹³: but the country never appears to have recovered its political independence.

CEADWALLA.

686 } *CEADWALLA*, and his brother *Mollo*, or *Wolf*, availing themselves of the internal
687 } dissensions of the country, invade Kent, which they spoil. *Mollo*, though on other occasions he was mild and humane, ravages the country with extreme ferocity. The men of Kent rally, and surprize *Mollo*, who takes refuge in a hut, where he is burnt, with twelve of his followers. *CEADWALLA*, however, appears to have retained possession of the country till his abdication in 688.¹⁴ (p. ccxxxvi.)

WIHTRED and SWÆBHARD.

690 } *WIHTRED* and *WÆBHARD*, or *SWÆBHARD*, were Kings of Kent about
693 } this time¹⁵.

WIHTRED.

694 *WIHTRED*, the legitimate King, assumes the government,¹⁶ and reigns 33 years. *INA* invades Kent in order to avenge the death of *Mollo*, but *WIHTRED* averts his vengeance by submission, and by payment of a heavy were, or blood fine. *WIHTRED* soon after his accession holds a great Council at *Baccanilde*, wherein laws are enacted for the protection of ecclesiastical property¹⁷.

696—Aug. 6. *WIHTRED* holds a Witenagemot at *Berghamstead*, in which his laws, now extant, were enacted.

725—April 23. Death of *WIHTRED*. The kingdom¹⁸ descends to his sons, *ETHEL-*

¹¹ Kent appears to have been under the supremacy of *Mercia* from this period, until it was reduced by *Egbert*.

¹² Bede, IV. 27.

¹³ Bede's expressions are of great importance, inasmuch as they shew his opinion of the royal dignity:—*Edric* anno uno ac dimidio regnavit: quo defuncto regnum illud per aliquod temporis spatium Reges dubii vel externi disperdiderunt, donec legitimus Rex *Uictred* id est, filius *Egberti* confortatus in regno, religione simul et industria, gentem suam ab extranea invasione liberaret. (IV. 26.) Malmesbury notices the violent death of *Eadric* in the passage above quoted. *Richard*, the son of *Lothar*, is said to have survived his father, and to have died a monk, at *Lucca*. (Alford, I. 588.)

¹⁴ Malmesbury and Huntingdon have abridged materials not to be found in the existing chronicles.

¹⁵ *þa wæron ii cyninges on Cent Wihtred and Wæbheard*. Eo tempore erant duo Reges in Cent non tam secundum stirpam regiam, quam secundum invasionem, scilicet *Uhtred* et *Webhard*. (Hunt.) If this latter statement be correct, this *Wihtred* is not to be identified with the legitimate *Wihtred*. These two kings were both reigning when *Beortwald*, Bishop of *Rochester*, was placed in that see, A.D. 693. Electus est, regnantibus in Cantia *Uictredo* et *Swabhardo*. (Bede, II. 5.) Thorne describes *Wæbheard*, or *Swebhardus*, as an illegal intruder (p. 1770.) Flor. Wigorn alludes to him as holding part of the kingdom with *Wihtred*:—*Wihtredus* filius *Egberti* confortatus in regno religione simul et industria gentem suam ab extranea invasione liberavit. Cum quo Rex *Swebhardus* partem regni tenuit. In Flores Hist. the latter is said to have been the brother of *Wihtred*.

¹⁶ The accession of *Wihtred* in this year is positively stated by the Saxon Chronicle, And *Wihtræd* feng to Cantwara rice and heold hit xxxiii wintra. Perhaps the Chronicle only intended to notice the devolution of the whole kingdom to him on the death of *Webheard*. For the particulars of *Wihtræd*'s submission, see Huntingdon.

¹⁷ In this statute he takes the title of *Wihtrædus* gloriosus, Rex *Cantiæ*, or *Cantwara* Cyng. (Sax. Chron.) It was a mixed council, and the enactments are made by the advice of the Archbishop of *Canterbury*, and *Tobias*, Bishop of *Rochester*—cum Abbatibus, Abbatissis, Presbyteris, Diaconibus, Ducibus, et Satrapis.

(Concilia, I. p. 47.)

¹⁸ *Wictred* filius *Egberti* Rex *Cantuariorum* defunctus est nono die Kalendarum Maiarum, et regni quod per viginta quatuor semis annos tenebat, filios tres *Ædilberctum*, *Eadberctum*, et *Ailricum*, reliquit hæredes. (Bede, V. 23.)

Ego *ÆTHILBERHT*, Rex *Cantuariorum* A.D. 741.

Ego *ÆTHILBERHTUS*, Rex *Cantiæ*. *Cuthbertus*, Archiepiscopus. *Balthard*—*Æthelhum*—*Aldberht*, Præfectus. *Dunnualhus*, *Pincerna*—*Althelnoth*. (Mon. I. 453.)

From his name, we may conjecture that the Chief Butler was a Briton.

BERT, EADBERT, and ALRIC—EADBERT being considered as possessing the supremacy¹⁹.

- EADBERT²⁰, ETHELBERT II. and ALRIC—all under the supremacy of Mercia. EADBERT, ETHELBERT II. ALRIC.
Eadbert died in 748—Ethelbert in 760—Alric is supposed to have survived, and to have died without issue, for in him ended the line of the Æscingas.
(Malm. de Gestis.)

752 Kentish men form a part of the army of Ethelbald.

762 SIGERED, King of half of Kent about this time²¹.

SIGERED.

770 About this time EARDULF, supposed to be the son of EADBERT, was also King of Kent, or part thereof, together with ETHELBERT²². EARDULF.

763 } About this time EGBERT and HEAHBYRHT are Kings of Kent²³. EGBERT and HEAHBYRHT.
779 }

783 ALCHMUND, father of Egbert, afterwards King of Wessex, reigned about this time²⁴. ALCHMUND.]

¹⁹ At least this is the only supposition by which Bede, V. 23, can be reconciled to the Chronicle. In this case we must consider that the dates assigned by the latter, as the accessions of Ethelbert and Alric, are the periods when further portions of the divided kingdom were made over to them. Malmesbury adds, that Eadbert reigned 23—Ethelbert 11—and Alric 34. But the whole theory of the succession is extremely dubious; and it is much more probable, that they, and perhaps their children, divided the kingdom according to gavel kind custom.

²⁰ In 741 he grants a charter, using the appellation of "Eadbrith Eating." (Thorne, 2209.) Names ending in "ing" are usually considered as indicating descent—was Eata the name of his mother?

²¹ SIGERED, Rex Cantiae, A. D. 762 Ego EADBERHT, Rex Cantiae, consentiens propria manu confirmavi. Bregowine, Archiepiscopus. Aldhun, Abbas. Suwithun—Æthelhuun—Esne—Egbald—Wihghard—Bunan—Heabeorht—Tundheah. (Text. Roff. p. 70.)

SIGERED Rex dimidiæ partis provinciæ Cantuariorum. Bregowinus, Archiepiscopus. Hereberht, Abbas. Baere, Abbas. Bruno, Abbas. Æswald, Presbyter. Eeghalch, Comes atque Præfectus. Ealdhun—Esne—Badohard—Æthelnod. (Text. Roff. 76.)

²² His charters are extant, and he joins in a letter, addressed by Eadulf, Bishop of Rochester, to Lulla, Bishop of Mentz. (Inter Ep. Bonifacii, 36.) There may be some inaccuracy in the date of Eardulf's charter, as Cuthbert, according to the received succession, is supposed to have been dead in 762, but possibly, Cuthberhtus is an error for Jaenberhtus, who then filled the see, and whose name is written with extraordinary variations.

"EARDULFUS, Rex Cantuariorum," grants Holanspic to the Church of Rochester, A. D. 762. Confirmed by Cuthberhtus, Archiepiscopus. ÆTHILBERHTUS, Rex Cantiae. Balthard—Duunwalla—Æthelhuun—Alidberht—Ruta—Folewine—Uuichtbrod—Balthard—Badwheard—Beagnoth—Unalhhuun. (Text. Roff. p. 71.)

²³ There are three charters of "Ecgerhtus, Rex Cantiae" preserved in the Textus Roffensis (p. 77, 83) of which the first is dated 765, and the last in 778, and which is confirmed by—Jaenberht, Archiepiscopus. Escwald, Presbyter. Uban—Bobban—Uualhard—Ubban—Aldhun—Sigired—Esni—Eanihard.

Heaberht reigned in and during the reign of Egbert—one perhaps in East Kent, and the other in West Kent.

Ego OFFA, Rex Merciorum, regali prosapia Merciorum oriundus cum consensu et licentia Archiepiscopi nostri Bregowini atque HEABERHTI, Regis Cantiae, et principum nostrorum, A. D. 763.—Ego Heabertus, Rex, consensi atque subscripsi. Botwin, Abbas. Esne—Uhtred—Broerda—Eadbald—Bertwald—Bobba—Cec—Huithyse—Esne, frater ejus. Badoheard—Egbald—Swithun—Eangest. (Text. Roff. p. 74.)

²⁴ To þyssan timan rixode Eahlmund Cyng innon Cent; þis Eahlmund Cyng wæs Egberhtes fæder, and Egberht was Apulfes fæder.

The time of his accession is unknown, but the subsequent events shew, that the Kentish men considered him as a rightful king. Perhaps he descended from Hengist by the female line. In 784 he grants a charter by the style of "EADMUNDUS Rex Cantiae." (Mon. I. 458.) He seems to have been also known by the name of Eanmund, or rather Eaumund.

Ego EANMUNDUS Rex hanc piam donationem suprascriptam propria manu roborandam hoc signaculo sanctæ crucis expressi, in loco cujus vocabulum est Godgeocesham, præsentem venerabili Archiepiscopo. Bregowino et consentiente, consilio quippe atque consensu omnium optimatum et principum gentis Cantuariorum. Ego Jaenberhtus, Abbas, consentiens testis affui et subscripsi. Ego Huuaetred, Abbas, consensi et subscripsi. Signum manus Egesnodi. Signum manus Balthardi. Signum manus Aldhuni. Signum manus Uda. Signum manus Puda. (Text. Roff. pp. 76, 77.)

Bregwin filled the archiepiscopal chair between 759 and 762, and Eanmund probably reigned over a part of the kingdom.

KENT.

EADBERT PREN.

796 } About this time *Kent* was governed by *EADBERT*, or *Ethelbert* (Thorne, 2238,) surnamed *Pren*. CENWULF invaded the country, which he ravaged. The Merswara, or inhabitants of Romney, &c. rebelling against *Pren*, deliver him into the power of his enemies, by whom he was treated with great severity. According to some accounts (Sim. Dun. and Sax. Chron.) CENWULF let them "put out *Pren's* eyes" and carve off his hands." CENWULF assumed the supremacy of Kent, which he united to his empire: he took the crown and placed it on his own head, and grasped the sceptre in his hand, and having done so, he granted the kingdom to his brother, *CUTHRED*, who governed the same as a Subregulus, and under the supremacy of Mercia. (p. ccxix.)

CUTHRED.

Cenwulf.

805 } Death of *CUTHRED*. CENWULF resumes the direct government of Kent.
811 }

SIGERED.

— *SIGERED* about this time became King of "half of Kent" under the Mercian supremacy.

819 Death of CENWULF, King of Kent and Mercia—succeeded by CEOLWULF.

BALDRED.

823 About this time *BALDRED* was King of Kent²⁷; perhaps he succeeded immediately on the death of *Cuthred*—he is attacked and expelled by *Egbert*, whom the Kentish men consider as their rightful sovereign. (see *Wessex*, p. cxxxix.)

ETHELWULF.

Egbert appoints his son *ETHELWULF* as King of Kent, under his supremacy (see p. ccxx), and from this period Kent formed an integral portion of the Empire of *Wessex*, but, nevertheless, as forming (together with *Sussex* and *Surrey*) an apanage which might be held by the heir apparent to the crown, the eastern part of *Wessex* (see *Asser*, p. ccxli) being by right subordinate to the western part.

Egbert.

Asser.

ATHELSTANE.

836 } *ETHELWULF*, on succeeding to the crown of *Wessex*, grants Kent to his eldest son, *ATHELSTANE*, to be held under his supremacy.²⁸

Ethelwulf.

²⁵ We collect from Florence of Worcester and Malmesbury, that *Pren* was led captive into Mercia, and the latter writer adds that upon the dedication of the church of *Winchcomb*, *Cenwulf* delivered him from captivity. *Eadbert* was the "cognatus" of *Egbert* (Hunt. 197), and he appears to have been thus cruelly mutilated by his own subjects, probably the Merswara, who surrendered him into the hands of his enemies. Fraud and tyranny were laid to his charge. Carte, who retained no agreeable impression concerning the name of *Pren* or *Pryne*, derives the surname from *Pregan*, to preach, and concludes that he was therefore a preacher, one of those "impudent tongue pads by whom the throne of *Kent* was usurped."

²⁶ But still as a distinct kingdom, administered by its own Witenagemot, as appears from the following charter:—

In nomine Altithroni Dei summi Regis æterni. Ego *Cenulfus*, Christi gracia, Rex *Merciorum atque Provinciarum Cantuariorum*, dabo et concedo viro venerando *Uulfredo* metropolitanæ sanctæ Salvatoris ecclesiæ Archiepiscopo, aliquam partem terræ juris mei a Deo data mihi in propriam hereditariam, hoc est vii aratorum in loco qui dicitur *Beoreham* pro estimacione pecuniæ ejus, xxx libras cum omnibus usis ad se rite pertinentibus vel in sese habentes, silvis, campis, pascuis, pratis, venacionibus fontanisque perpetuæ libertatis munificentiæ tibi perfruendo concessum sit.—Et post obitum tuum cuicumque tibi complacuerit in eandem condicionem semper heredibus tuis, qua a me concessum est tibi. Ita per omnia sine aliqua lesionis injuria eternaliter permaneat.

[The description of the land follows.]

Actum est Dominicæ Incarnationis Anno Dccc° viiii°. Indict. ii. juxta monasterium qui dicitur *Crogedena* coram hiis testibus quorum infra nomina caraxata digesta sunt.

Ego *Uulfredus*, gracia Dei Archiepiscopus, consensiens subscripsi. Ego *Deneberhtus*, Episcopus. Ego *Heaberht*, Dux. Ego *Beornod*, Dux. Ego *Ceolword*, Dux. Ego *Cynhelm*, Dux. Ego *Wigheard*, Dux. Ego *Eacferd*, Dux. Ego *Wulfred*, Dux. Ego *Ploesa*, Dux. Ego *Eadberht*, Dux. Ego *Ecguulf*, Dux. Ego *Wigheard*, Pincerna.

Hanc predictam donacionem scripserunt Satrapes *Cantuariorum*, Anno Dominicæ Incarnationis Dccc° x° Indictionis iii. in civitate famosa quæ antiquo vocabulo *Dorovernia* dicitur. Eciam eorum nomina subternotata ascribuntur.

Ego *Uulfredus*, gracia Dei Archiepiscopus canonice, consensi et subscripsi. Ego *Esne*, Comes. Ego *Aldberht*. Ego *Wethere*. Ego *Sigheard*. Ego *Esne*. Ego *Eadberht*. Ego *Hereferd*. Ego *Aldred*. Ego *Wihfred*. Ego *Escherth*. Ego *Oscberht*. Ego *Bernod*. (Bib. Lamb. 1212, p. 404.)

²⁷ Probably under Mercian supremacy.—According to Thorne (p. 2238) his intrusion took place upon the death of *Cuthred*. Thorne had access in his own monastery to information which other chroniclers did not possess, and we may therefore reconcile his account with the charters, by assuming that *Baldred* began by obtaining one of the portions of the kingdom.

²⁸ Obiit *Ecgyrth* Rex potentissimus. Porro post obitum *Athulf* successit in regno patris sui, regnumque *Cantuariorum* tradidit filio suo *Ethestano* et *East Seaxene* et *Suth Seaxene* et *Suthrie*, hoc est, orientalem

- Ethelwulf.** { 852 *ATHELSTANE* dies without issue, upon which the kingdom reverts to *Ethelwulf*, who grants the same to *ETHELBERT*.
- 855 *Ethelwulf* uses the title of King of Kent—*ETHELBERT* being also “King” under his supremacy²⁹.
- 857 *ETHELBERT*, King of Kent (and also of Essex, Surrey, and Sussex³⁰) under the supremacy of his brother *Ethelbald*.
- 860 *Ethelbert* succeeds to Wessex upon the death of *Ethelbald*³¹.
- 866 *Ethelred*, King of Wessex and of Kent³².
- 900 “*Juti Cantiani*” said to have been subdued by *Edward* the Elder. (Wallingford, p. 538.)
- 925 Under *Athelstane*, Kent continues as a separate, though subordinate kingdom, accepting the laws of *Wessex* upon such terms as appeared expedient to its own legislature. (see p. cxxii.)

Ethelred.

partem, australem et mediam. (*Ethelward* III. 3.) On the whole it seems most probable, that *Athelstane* was the son of *Ethelwulf*, and not of *Egbert*. He is thus again denominated by *Asser*:—

852 Eodem anno *Athelstan* Rex filius *Athelwulfi* Regis, et *Ealhere* Comes magnum paganorum exercitum in *Cantio* in loco qui dicitur *Santwic* occiderunt. (*Asser*, p. 6.)

Ethelward, in his account of the family of *Ethelwulf* (IV. 2), which may be compared with the other statements (p. ccxl), agrees with *Asser*. Fuere numero fratres quinque, primus *Ethelstanus*, qui et regnum obtinuerat simul cum patre suo, secundus *Ethelbald*, qui et occidentalium *Anglorum* Rex. Tertius *Ethelbyrht* Rex *Cantuariorum*. Quartus *Ethelred* qui post obitum *Edelbyrhti* successit in regnum, qui et meus atavus. Quintus *Elfred* post omnes successor principatus totius, qui et atavus vester, amata consobrina *Mathildis*. See also the charters granted by *Athelstan* jointly with *Ethelwulf*. (p. ccxxi.)

²⁹ The Chronicle states, that *Ethelbert* became King of Kent, &c. on the death of *Ethelwulf*, in 857, but it appears from the following charter, that he was certainly in possession of the royal title in 853, and, according to the Chronicle of the Abbot of Peterborough (p. 15), he succeeded on the death of *Athelstane*.

In nomine trino divino. Ego *ETHELWULF* Rex Occidentalium *Saxonum* necnon et *Cantuariorum* pro decimatione agrorum quam Deo donante cæteris ministris meis facere decrevi, tibi *Dunne*, ministro meo, dabo unam villam quod suos *Saxonice*, an *haga* dicimus in meridie castelli *Hrobi* A. D. 855. *ÆTHELWULF*, Rex. *Ceolnoth*, Archiepiscopus. *ÆTHELBERHT*, Rex. *Lullede*, Dux. *Æthelmod*, Dux. *Ælfred*, filius Regis. *Eadred*, Dux. *Æthelric*, Dux. *Cincheh*, Miles. *Milred*, Miles. *Ceolmund*, Miles. *Lullo*, Miles. *Ethelred*, Miles. *Wulstaf*, Miles. *Æthelred*, Miles. *Wæhtgar*, Miles. *Duduc*, Miles. *Osberht*, Miles. *Sigenoth*, Miles. (Text. Roff. p. 103.)

³⁰ Interea post obitum *Athulfi* Regis ordinati sunt filii ejus in regnum: *Ethelbald* videlicet, super Occidentales *Anglos*, et *Æthelbert* super *Cantuarios* et *Orientales*, *Australes* quoque et medios *Anglos*.

(*Ethelward* IV. 1.)

³¹ *Æthelbald*, Occidentalium *Saxonum* Rex defunctus est, et *Æthelberht* frater suus *Cantiam* et *Suthregiam*, *Suthseaxam* quoque suo dominio ut justum erat subjunxit. (*Asser*. p. 24.)

³² Ego *ÆTHERED* Rex Occidentalium *Saxonum* necnon *Cantuariorum*, A. D. 868. (Text. Roff. p. 105.)

Ego *EDELRED*, Rex Occidentalium *Saxonum* non ut *Cantuariorum*, cum consensu ac licentia meorum optimatum Actum est anno ab Incarnatione Domini D CCC LXVII, Indictione VI. in *Dorobernia* civitate. Ego *EDELRED*, Rex. Ego *Eanmund*, Dux, consensi et subscripsi. Ego *Ealhheard*, Abbas. Ego *Heremod*, Presb. Ego *Mucel*, Min. Ego *Beorhtnoth*, Min. Ego *Fordred*, Min. Ego *Ethelwulf*, Min. Ego *Edelred*, Min. Ego *Acca*, Min. Ego *Biarhtwulf*, Min. Ego *Manuel*, Min.

(Bib. Cott. Vesp. B. xxiv. p. 95.)

Wessex—KENT.

EALDORMEN, COMITES, AND EARLS OF KENT.

- 568 *Oslac. Cnebba.* (p. cclxvii.)
 — “*Osuulf, Dux*³³.”
- EALCHERE.* 851 *EALCHERE*, or *EALHERE*, Ealdorman of Kent about this time. (Asser, 6.)
- CEOLMUND.* 897 Death of *CEOLMUND*, Ealdorman of Kent.
- SIGEWULF* and 904 } *SIGEWULF* and *SIGEHELM*, who appear to have been Ealdormen of *Kent*,
SIGEHELM. 905 } who, together with *Sigebryht*, the son of *SIGEWULF*, and *Eadbald*, the King's
 Thane, were all killed in the battle of the Holme. (Ethelward.)
- [*ÆGELMAR?*] 1007 } About this time one of the brothers of *EDRIC STREONE*³⁴, appears to have acted
 1012 } as Earl of *Kent*³⁵.—Slain by the “nobility” of the country.
- GODWIN.* 1035 *GODWIN* has been considered as Earl of Kent. (Thorne, 1779.—Flores Hist. ad
 An. 1035, 1036.) It was included in his Earldom, but there is no decided evidence
 to shew that he ever took his title from this shire in particular.
- HAROLD.* — Kent was afterwards included in *HAROLD's* Earldom.

975 *Wulsige* was “*Scirig-man*,” “*Scirman*,” or “*Judex Provinciæ*,” about this time³⁶.

MERSCWARA.

838 *HEREBRYHT*, Ealdorman or Comes of this district, slain by the Danes.

The frontier of *Kent* does not appear to have sustained any alteration since the foundation of the Kingdom. The division of the country into East and West Kent, or rather into the Countries of the East Kentishmen and West Kentishmen (Text. Roff. 116, Sax. Chron. ad An. 999), has existed from immemorial antiquity, though probably not exactly according to the modern boundary³⁷.

³³ In an original but undated grant of land made by him to the monastery of *Liming*, in the County of Kent, he is thus described. The donation notices his wife, Beornthrythe. (Mon. I. 453.)

³⁴ Perhaps *Ægilmar*, the grandfather of Godwin. In Osbern's Life of St. Alphage (p. 232) he is called the Præfect. He is stated to have governed the province with great tyranny, despoiling the nobles of their inheritance—hence their vengeance. (p. cclxxxvii.)

³⁵ See Domesday—Kent, and p. cclx.

³⁶ Textus Roffensis, p. 118.

³⁷ Originally, the division appears to have been conterminous with the dioceses of Canterbury and Rochester. The *Merscwara* are thought to have been the inhabitants of Romney Lathe.

SOUTH SAXONS.

SUSSEX.

477 ELLA, and his three sons, CYMEN, WLENCING, or PLENTING, and CISSA, ELLA.
land, with three vessels, at the place afterwards called *Cymenesore*. Many Britons
were slain by them—others driven into the forest called *Andredesleage*.

485 Battle between ELLA and the united forces of the Britons, who assemble under their
“kings and tyrants” near “*Mearcredes burn stede*.”

490 } Fresh reinforcements arrive—*Anderedesceastre* stormed by ELLA and CISSA—all
491 } the inhabitants put to the sword¹. From this period the kingdom of Sussex was
considered as established in the person of ELLA, the first Bretwalda or Emperor
of Britain of Saxon race.

518 CISSA succeeds to the kingdom about this time.

CISSA.

WULFHHERE.

648 } *ETHELWALD*, *ÆDILUALCH*, or *ETHELWALCH*, King of the South Saxons
661 } about this time—in 661 he submitted to the supremacy of WULFHHERE of Mercia,
from whom he obtained a grant of the *Isle of Wight*, and of the “*Meanwara*
Mægthe,” conquered from the kingdom of Wessex (p. cccxxv.) Married to *Eaba*,
daughter of *Eanfrid*—brother of *EANHERE*, King of the *Hwiccians*².

ETHELWALCH.

Mercia.

CEADWALLA.

683 About this time *ETHELWALCH* appears as a Subregulus of CEADWALLA³.

ETHELWALCH.

685 } CEADWALLA invades the country of the South Saxons—*ETHELWALCH* is
686 } slain—CEADWALLA is expelled for a short time by the two Ealdormen or
Duces, *BERTHUN* and *HUNE* (or *ATHELHUN*), who appear to have assumed
the government of the kingdom⁴; yet it seems from this time to have continued
under the supremacy of *Wessex* until the conquests of *OFFA*.

BERTHUN.
ATHELHUN.

Wessex.

¹ Huntingdon has many details concerning these battles, not extant in the other chroniclers. They are important because they tend to explain how *ELLA*, the sovereign of this small state, acquired the title of Bretwalda. He was opposed by a confederacy of British princes, whom he ultimately defeated, and it is therefore possible, that from this confederacy, representing the British nations, he obtained the supreme dignity.

Igitur Dux *Aelle*, cum filiis suis et classe, militaribus copiis instructissima, in *Brittannia* ad *Cymenesore* appulerunt. Egrementibus autem *Saxonibus* de mari, *Brittanni* clamorem excitarunt, et à circumadjacentibus locis innumeri convolarunt, et statim bellum initum est. *Saxones* verò statura et vigore maximi, impudenter eos recipiebant, illi verò, imprudenter veniebant: nam sparsim et per intervalla venientes à conglomeratis interficiebantur, et ut quique attoniti veniebant, rumores sinistros ex improvise sentiebant. Fugati sunt igitur *Brittanni* usque ad proximum nemus, quod vocatur *Andredesleige*. *Saxones* autem occuparunt littora maris in *Sudsexe*, magis magisque sibi regionis spatia capessentes usque ad nonum annum adventus eorum, tunc verò, cum audacius regionem in longinquam capesserent, convenerunt reges et tyranni *Brittonum* apud *Mercresburne*, et pugnaverunt contra *Aelle* et filios suos, et fere dubia fuit victoria; uterque enim exercitus valde læsus et minoratus alterius congressum devovens ad propria remearunt: misit igitur *Aelle* ad compatriotas suos, auxilium flagitans. (Hunt. II.)

² Bede, IV. 13. Flores Hist.

³ The charters of the ancient see of *Selsea*, preserved in the register of the Bishopric of *Chichester*, from whence they have been published by Dugdale, are, as they appear in the *Monasticon* (vol. vi. 1162, &c.) full of the most extraordinary corruptions. The register cannot be very ancient, it is perhaps later than the reign of Edw. I., and it may be supposed that such corruptions arise from the oscitancy and ignorance of the monkish transcriber, who could not read the character of the originals. It is rather singular, that excepting in this instance of *Selsea*, none of the dioceses, such as *Sherborn*, *Helmham*, *Crediton*, and *Dorchester*, whose sees were removed from their ancient seats to other cities, possess any of their ancient muniments. With respect to the *Selsea* charters, I quote them as they now appear, without attempting to explain the difficulties which they offer. According to the *Chronicles*, *Ethelwalch* was slain by *Ceadwalla*, before the latter obtained the throne of *Wessex*, yet it is very possible that *Ceadwalla* may have taken the royal title at an earlier period.

CEADWALLA Rex, cum consensu *WILFRIDI* Archiepiscopi, et *Ethelwaldi* Subreguli, cæterorumque cum eis Episcoporum, Ducum, Optimatumque *Angliæ*—grants the land of fifty-five tributarii in *Selsea*, for the foundation of a monastery. Amongst the signatures appears that of *Ealdulfus*, Dux *Suthsaxonum*.—*Wilfrid* probably continued to take the style of an archbishop, as rightfully belonging to his person, though he had been unlawfully deprived of his see of *York*. (Mon. ut supra.)

⁴ Interea superveniens cum exercitu *Cædwalla*, juvenis strenuissimus de regio genere *Geuissorum*, cum exularet a patria sua, interfecit Regem *Aedilualch*, ac provinciam illam sæva cæde ac depopulatione attrivit;

SUSSEX.

- 686 *BERTHUN* slain by *CEADWALLA*.
- HUNA*, or *NUMA*, 693 *INA* continues to exercise the rights of sovereignty in *Sussex*, in which three kings, *INA*.
WATTUS,
NOTHELM. — *HUNA*, *NUMA*, or *NUNNA*—*NOTHELM*—and *WATTUS*,⁵ govern under his supremacy.
- OSMUND*. 758 } *OSMUND* reigned in *Sussex* ⁶. Offa.
 772 }
- ETHELBERT*. — *ETHELBERT*, King of *Sussex* ⁷.
- SIGEBERT*. 796 *SIGEBERT*⁸. Cenwulf.
- 828 *Sussex* submits to *Egbert* (p. cclx.) From this period *Sussex* and *Surrey* appear to have been considered as integral portions of the Empire of *Wessex*, but as annexed to the Kingdom of *Kent*, and passing with it.
- 836 *ATHELSTANE*, King of *Sussex*, under the supremacy of his father, *ETHELWULF* (p. cclx. cclxx.)

sed mox expulsus est a Ducibus Regis, *Berthuno* et *Audhuno*, qui deinceps regnum provinciae tenuerunt: quorum prior, postea ab eodem *Caeduallo*, cum esset Rex *Geuissorum*, occisus est, et provincia graviore servitio subacta. Sed et *Ini* qui post *Caedualam* regnavit, simili provinciam illam afflictione plurimo annorum tempore mancipavit. Quare factum est ut toto illo tempore Episcopum proprium habere nequiret; sed revocato domum *Uilfrido* primo suo Antiste, ipsi Episcopo *Geuissorum*, id est, *Occidentalium Saxonum* qui essent in *Venta* civitate, subjacerent. (Bede IV. 15.)

By Alfred, in his version, the Ealdormen are called *Berthune* and *Hune*, an important variation. The expressions employed by Bede and Florence imply, that *Berthun* and *Huna* assumed the royal power, and this circumstance lessens the apparent incongruity of so many concurrent "kings" in so small a compass.

⁵ The following charters (Mon. ut supra), which relate to these obscure reguli, must, in the mercantile phrase, be quoted "errors excepted:"—

In nomine Domini nostri Salvatoris. Ego *Bruny*, Dux *Suthsex*, partem agri juris mei, &c. concedo *Eadberti*, Abbati. Ego *NUMA*, Rex, hanc donationem consensi et subscripsi. Ego *WATTUS*, Rex, consensi et propria manu scripsi.

In nomine Domini, &c. Ego *NOTHELMUS*, Rex *SUTHSEX*, pro remedio animae meae, &c. tibi *Nothgida* sorori meae aliquam terrae partem libenter dabo, ad construendum in ea monasterium, &c. Ego *NUMA*, Rex *Sussex*, consensi et subscripsi. Ego *WATTUS*, Rex, consensi et subscripsi. Ego *COENREDUS*, Rex *West Sax.*, consensi et subscripsi. Ego *INE*, consensi et propria manu scripsi.

WATTUS is perhaps a latinization of *Wada*, a name which often occurs. As there was no King of *Wessex* named *Cenred*, it is possible that the transcriber has been deceived by a practice very common in ancient transcripts, viz. of turning the line upwards when the writer was pressed for room; by which arrangement, the end of a lower line appears to form a part of the preceding, thus—

subscripsi. Ego *Coenredus* | Rex *West Sax.*
 consensi et subscripsi. Ego *Ine*
 consensi et propria manu, &c.

It is not, however, impossible, that this *Cenred* may have been the father of *Ina*, to whom his son granted some part of *Wessex*, with the title of King, and that hence he joined in *Ina*'s enactments. This observation did not occur to me when writing the Note (p. 408.)

It is stated in the new edition of the *Monasticon* (Vol. VI. 1059.) that a copy of *Ina*'s Charter has been found, in which the name of *Numa* is written *Nunna*—possibly *Nunna*, the kinsman of *Ina* (p. ccxxxvi.) I still continue to believe that the name is *Hun*, or *Hunna*, the capital N, in very early manuscripts, approaching so nearly to the form of an H as to render it extremely probable that the letters may have been confounded.

⁶ See *Flor. Wigorn.* ad an. 758. Two charters granted by *Osmund*, though offering many difficulties, are supported by the testimony of *Florence*. He takes the title of "*Osmundus Rex*,"—the first is dated A. D. DC LXII (by mistake for DCC LXII.) The other is confirmed by *Offa*, and also by *Brorda*, Dux. *Berthwald*, Dux. *Eadbald*, Dux. *Esne*, Dux, &c. In 771 *Offa* conquered the "*gens Hestingiorum*," sometimes placed in *Sussex* (but see p. cclxxix, Note 19.)

⁷ Of him there is one charter without date, in which he assumes the style of *Ethelbertus Rex Sussaxonum*. It is confirmed by *Offa*, Rex, and *Osendred* (i. e. *Cwendred*) Regina. (Mon. ut supra.) He is perhaps the *Ethelbert* who takes the title of "*Rex Occidentalium (Australium) Saxonum seu Cantuariorum*," in two charters, dated 781 and 790, but which offer many difficulties. (Text. Roff. 85, 91.)

⁸ According to *Wallingford*, *Sigebert* was King of the *South Saxons* for one year, previous to the conquest of the country by *Cenwulf*, an event which he places about the period of the conquest of *Kent*.

DUCES AND EALDORMEN, &c. OF THE SOUTH SAXONS.

- | | |
|---|-----------------------|
| — BERTHUN and ATHELHUN (see p. cclxxiii.) | BERTHUN.
ATHELHUN. |
| 693 BRUNY (p. cclxxiv, Note 5.) | BRUNY. |
| 780 OSLAC ⁹ . | OSLAC. |
| — ALDWULF, or EADWULF ¹⁰ . | ALDWULF. |
| 982 Death of EDWIN, Ealdorman or Dux of the South Saxons. | EDWIN. |
| <hr/> | |
| 897 Death of Eadulf, the King's Thane in Sussex ¹¹ . Cyninges Thegn on Suth Seaxum. | (Eadulf.) |
| 1007 Wulfnoth "Cild" ¹² or Thane of the South Saxons (father of Godwin) about this time. | (Wulfnoth.) |

⁹ Ego Oslac Dux Suthsax, confirmed by "Offa, Deo donante Rex Merciorum," and by "Eadwlf." (Mon. ut supra.)

¹⁰ Of him there are two charters, in which he assumes the title of "Dux Suthsaxonum," making such grants with the consent of Offa. (Mon. ut supra.)

¹¹ Eadulf in Suth Saxoniam, Regis Minister. (Flor. Wigorn.) He was one of the "Custodes" appointed by Alfred to defend the kingdom against the Danes. (Flores Hist.)

¹² Suth Saxonum Minister Wulnoth. (Flor. Wigorn. and see p. cclxxxvii.)

MERCIA—SURREY.

FRITHEWALD.

SURREY¹.

FRITHEWALD², Subregulus of *Surrey*, under the supremacy of WULFHERE, King of *Mercia*. Married to Welburga, daughter of Penda.

WESSEX—SURREY. 823 Men of *Surrey* submit to Egbert as their rightful sovereign.

ATHELSTANE. 836 ATHELSTANE, son of ETHELWULF—King of *Surrey*, under the supremacy of his father (p. cexl. cclxx.)

HUDA. 853 HUDA, or WADA, Ealdorman of *Surrey*, slain³ (p. cexli.)

ETHELBERT. 857 ETHELBERT succeeds to *Surrey* upon the division of the dominions of ETHELWULF (p. cexli.)

¹ No notices of the first settlement of "Suthrige," or the Southern Kingdom (so called with respect to Middlesex) are preserved; but it seems to have belonged to Wessex from a very early period, as it was included in the original Diocese of Winchester.

² Restorer of the Abbey of Chertsey, to which monastery he granted a charter, containing the following passages:—

Ego FRITHEUUALDUS Provinciae Surrianorum Subregulus * Regis WLFARRI Mercianorum
Et Ego FRITHEUUALDUS qui donator sum una cum Erkenualdo Abbate, signum sanctae crucis pro ignorantia literarum expressi. Signum manus Ebbe testis. Signum manus Eguualdi testis. Signum manus Baduualdi testis. Signum manus Ceaddi testis. Similiter Humfridus Episcopus rogatus ab Abbate Erkenualdo manu propria subscripsit.—Et isti sunt Subreguli qui omnes sub signo suo subscripserunt. Signum manus Fritheuuoldi testis. Signum manus Osrici testis. Signum manus Wigherdi testis. Signum manus Athuuoldi testis. Et ut firma sit hæc donatio, et confirmatio stabilis, a Wifario Rege Mercianorum confirmata est hæc cartula: nam et super altare posuit manum suam in villa quæ vocatur Thamu, et manu sua signum sanctae crucis subscripsit. Acta sunt hæc juxta villam Fritheuuoldi, juxta supradictam fossatam Fullingadich. (Mon. I. 426.)

Wulfhere confirms the donation of "Fritheuualdus Subregulus," by another charter without date. And there is a third charter of Frithewald, with the date of DCC XXVII, which is probably an error for DC LXVII, as the history of the monastery places its foundation in 666.

³ Asser, p. 7, and Hoveden.

MERCIA. ANGLES.

MERCIA.

- 585 Kingdom of the Mercians said to have begun under CREODA, or CRIDA¹. CRIDA.
- 593 Death of CRIDA (Saxon Chron.) first King of the Mercians.
- WIBBA, son of CRIDA², reigned three years. (Flores Hist.) WIBBA.
- CEORL³, or CHARLES, kinsman of WIBBA, King of Mercia. His daughter, CEORL. Quænburga, married to Edwin of Northumbria. Reigned 10 years.
- 626 PENDA, son of WYBBA, separates Mercia from Northumbria⁴. Reigns 30 years. PENDA.
- 633 PENDA, in alliance with CADWALLA, and other British kings, wages war against Northumbria. (Bede II. 12.)
- 645 Cenwealh expelled from Wessex by PENDA.
- 653 PEADA, the son of PENDA, and "Ealdorman" of the Middle Angles, baptized⁵.
- 655 PENDA, and thirty Duces, his allies, amongst whom is Ædilhere, brother of ANNA, King of the East Angles, defeated on the banks of the Winwid⁶, by Oswio, King of Northumbria—PENDA is slain, and Oswio governs Mercia for about three years. (Bede III. 24.)
- PEADA, son of PENDA, and brother-in-law of Oswio, receives from the latter the Kingdom of South Mercia, separated by the Trent from North Mercia⁷. PEADA.

¹ According to Huntingdon, the first settlement of East Anglia and Mercia took place about the time that Cerdic and Cynric gained the victory of Cerdicesford:—

Ea tempestate venerunt multi et sæpe de Germania, et occupaverunt East Angle et Merce, sed necdum sub uno rege redacti erant; plures autem procures certatim regiones occupabant, unde innumerabilia bella fiebant. Procures vero, quia multi erant, nomine carent. (Hunt.)

According to Flores Hist. these settlements were concurrent with the occupation of Essex:—

Anno gratiæ 527, Justinianus Romanum suscipiens imperium, annis 38 imperavit. Eodem anno venerunt de Germania pagani, et occupaverunt Estangliam, id est, regionem illam, quæ orientalium Anglorum regio dicitur, quorum quidam Merciam invadentes, bella cum Britonibus plurima peregerunt. Sed quoniam procures eorum erant multi, nomine carent. Eodem anno, regnum Orientalium Saxonum, quod modo Estsaxia dicitur, originem sumpsit, quod primus ut creditur, tenuit Erkenwinus, qui fuit filius Offæ, qui fuit Biedecani, qui fuit Sigeuulf, qui fuit Speruæ, qui fuit Gesac, qui fuit Andæssc, qui fuit Saxnad, qui fuit Woden. (Flor. Hist. p. 99.)

² Wibba, or Wippa, reigned in Mercia about the period when Ethelbert was converted. (Hunt.)

³ "Ceorl, Rex Merciorum," is incidentally mentioned by Bede (II. 14), but his name does not appear in the Saxon Chronicle or Malmesbury. According to Huntingdon (p. 181), he was the "consanguineus" of "Wibba."

⁴ Malmesbury and the Genealogist seem to consider Penda as the first King of the Mercians, but Ceorl certainly bore that title before him:

Penda filius Pibba (Wibba) regnavit decem annis; ipse primus separavit regnum Merciorum a regno Nordorum et Onnan regem East Anglorum, et Sanctum Osgualdam regem Nordorum occidit per dolum ipse fuit victor per diabolicam artem. Non erat baptizatus, et non Deo credidit.

(Geneal. appended to Nennius, p. 117.)

. . . . Anno Dominicæ Incarnationis 626, post mortem Hengisti anno 139, Penda quidam filius Wibbæ a Wodenio decimus, stirpe inclytus bellis industrius, idemque phanaticus et impius, apud Mercios regis nomen præsumpsit. (Malm. de Gestis, I. 4.)

⁵ Huntingdon seems to consider the names of Middle Anglia and Mercia as synonymous.

⁶ The translator of Huntingdon has preserved the sense of a traditionary *stave* relating to this battle:—

In Winwed amne vindictus est cædes Annæ

Cædes regum Sigbert et Egnice

Cædes regum Oswald et Edwine.

⁷ Quo tempore donavit præfato Peadæ, filio Regis Pendan, eo quod esset cognatus suus, regnum Australium Merciorum qui sunt, ut dicunt, familiarum septem millium. (Bede III. 25.) The syndon thæs the menn cwethath, fif thusendo folces, and tha syndon to sceadenne mid Trentan streame with North Mercum, thara landa is seofan thusendo. (Alfred's Version.)

- 656 *PEADA* slain by the treachery of his wife.
Oswio becomes direct sovereign of the whole country. } *Oswio*
- 656 The Mercian Dukes, or Ealdormen, *IMMIN*, *EAFAH*, and *EADBERT*⁸, rebel against *Oswio*—expel the Ealdormen of the “strange king;” and *WULFHERE*, son of *Penda*, whom they had concealed (probably to save his life), succeeds to the Kingdoms of the *Mercians* and *Middle Angles*⁹. (Bede III. 24.)
- 661 War between *WULFHERE* and *CENWALH*. *Wulfhere* conquers the Isle of *Wight* from Wessex (p. ccxxxv.) which he bestows upon *ETHELWALD*, King of the South Saxons, (Bede IV. 12.) and he adds to his style, the title of King of the Southern Kingdoms.
- 661 About this time *FRITHEWALD* was Subregulus of *Surrey*, under *Wulfhere*. (see p. cclxxvi.)
- 666 *Wulfhere* promotes *Uina* to the see of London. (Bede III. 6.)
- 672 *Wynfred* ordained Bishop of *Mercia*, *Middle Anglia*, and *Lindesay*, all subject to *Wulfhere*. (Bede IV. 4.)
- MERWALD*, King of the “Western part of Mercia” (i. e. Westhecana or Herefordshire) about this time¹⁰—also called King of Mercia. (Sim. Dun. p. 89.)
- Ethelred*. 675 *Wulfhere* dies—*ETHELRED*, son of *Penda*, succeeds.
- 697 *Ostrytha*, *ETHELRED*’s Queen, and sister of *ECGFRITH* of Northumbria, slain by the Southumbrians¹¹.
- 702 *CENRED* succeeds to Southumbria.
- CENRED*. 704 *ETHELRED* resigns in favour of *CENRED*¹², his “patruelis,” who succeeds to all Mercia, and in whose days there were many battles with the Britons¹³.
- 709 *CENRED*¹⁴ resigns his crown, and is succeeded by
- CEOLRED*. 709 *CEOLRED*.
- 715 Battle between *CEOLRED* and *INA*, at *Wodnesburgh*.
- Ethelbald*. 716 *Ethelbald*¹⁵, son of *Alweo*, son of *Eawa*, son of *Wybba*, succeeds upon the death of *CEOLRED*—reigns 41 years, and obtains the supremacy over all the Kings of the English.
- 728 *Ethelbald* invades the British territories.

⁸ Two of these Ealdormen, *Immin* and *Ealbert*, are amongst the King’s “Theonest men,” who with other members of the Witenagemot, confirm the foundation charter of Medhamstede. (Sax. Chron. p. 45.)

⁹ He assumed the style of “*WULFHERE Dei beneficio Rex Merciorum et Mediterraneorum Anglorum, Australiumque regnorum*.”—A. D. 664.” (Mon. I. 378.) Mercia and Middle Anglia were considered as being two distinct nations.

Bede remarks upon the induction of *Diuma* (658) to be Bishop of the Mercians and Middle Angles :—“*paucitas enim sacerdotum cogebat unum antistitem duobus populis præfici*.” (III. 21.)

¹⁰ Fuerunt germani regis *Wulfere*, *Etheldredus* qui post eum gubernavit, *Penda* qui *Australium Anglorum* regnum tenuit, et *Merwald* qui in *occidentali plaga Merciorum*, regnum tenuit. Cui Regina sua *Ermenburga* Regis *Ermenredi* filii peperit tres filias, *Milburgam*, *Milgidam*, et *Mildridam*, unumque filii *Merewinum*. (Acta Sanctorum, Junii, Vol. IV. p. 510, and Flor. Wigorn. p. 691.)

¹¹ The Southumbrians are particularly noticed as having killed their queen.

(Flores Hist.—Flor. Wigorn.—and Bede, V. 24.)

¹² *Æthelredus* Rex *Merciorum* Rex monachus factus, *Kenredo* suo patrueli regnum dedit. (Flor. Wig.)

¹³ Contigit itaque in diebus *Coinredi* *Merciorum* Regis, cum *Brittones* infesti hostes *Saxonici* gentis, bellis, prædis, publicisque vastationibus *Anglorum* gentem deturbarent, &c.

(Vita Sci. Guthlaci, Acta Sanct. Ap. I, Vol. II. p. 39.)

¹⁴ According to Wallingford (p. 527,) *Cenred* only reigned as Regent; the Crown having been entrusted to him during the minority of *Ceolred*, the son of *Ethelric*. This writer also considers him as the father of *Ina*.

¹⁵ *Ethelbald* superbus, prædavit *Northumbre*, vicitque gentem *Walliæ*, præfuitque Regibus omnibus *Angliæ*. (Hunt. 198.—For his titles see pp. ccxviii, ccxix.)

PROOFS AND ILLUSTRATIONS.

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MERCIA.

728 Battle of Mount Carno, of which, according to the Welsh (Wynne's *Caradoc*, p. 16), *Ethelbald* the result was dubious, and there can therefore be little doubt but that they were worsted.

733 Somerton taken by *Ethelbald*.

742 Great Council held at Cleofesho, in which *OFFA* attends as "Patricius"¹⁶.

743 *Ethelbald* at war with the Wealas.

750 } *Ethelbald* defeated by *CUTHRED* at Burford.
752 }

757 *ETHELBALD* treacherously killed at "*Secandune*," "a suis tutoribus" (Sim. Dun. de Gestis) and buried at Repton.

BEORNRED the Tyrant succeeds, but is deposed by the Mercians¹⁷.

BEORNRED.

OFFA, who had hitherto ranked as a "Patricius," of the royal line of Wibba, *Offa*, raised to the throne.

Offa acknowledged as King by the Clergy and Laity. Kent becomes subject to his supremacy (p. cclxix.)

769 *Beornred*, who appears to have retained some portion of the kingdom, makes war against the Northumbrians—burns Catterick, but in the course of the year, he himself meets with his death by violence¹⁸.

771 *Offa* subdues the "*Gens Hestingiorum*"¹⁹.

775 *Offa* takes the town of Bynsyntun—defeats *CYNEWULF* of Wessex.

776 War between the Mercians and the men of *Kent*—the latter are defeated by *Offa* in the battle of *Ottford*.

777 *Offa* wars against the Britons—conquers the greater part of the tract between the Severn and the Wye, or Powys—causes the dyke, which still bears his name, to be cast up between his dominions and the British territories²⁰.

¹⁶ A. D. 742. Congregatum est magnum concilium apud *Clofesho*, præsidente eidem concilio *ÆTHELBALDO*, Rege *Merciorum*

Ego *ÆTHELBALD*, Rex. Ego *Cuthbertus*, Archiepsc. Ego *Unita*, Episc. Ego *Torhthelm*, Episc. Ego *Wilfred*, Episc. Ego *Cuthberht*, Episc. Ego *Huctlac*, Episc. Ego *Eanfrid*, Episc. Ego *Egclaf*, Episc. Ego *Aluwig*, Episc. Ego *Hunwald*, Episc. Ego *Daniel*, Episc. Ego *Aldwulf*, Episc. Ego *Aethelfrith*, Episc. Ego *Herewald*, Episc. Ego *Sigega*, Episc. Ego *Redwulf*, Episc. Ego *OFFA*, Patricius. Ego *Aldwulf*, Dux. Ego *Athelmod*, indolis *Merc*. Ego *Heardberht*, Dux. Ego *Ealdbald*, Dux. Ego *Bercul*, Dux.

Ego *Cyneberht*. Ego *Freothorus*. Ego *Wermund*, Abbas. Ego *Cuthred*, Abbas. Ego *Bunn*, Abbas. (Concilia I. p. 87.)

I see no reason to doubt but that this *Offa* is the same who was afterwards king. In a charter granted by *Eanbert* of *Hwiccas* (Hem. 37) and, as it is supposed, before 742, he is called *Puer*, that is to say, "Child," or "Child," as a title of honour.

¹⁷ *Mercii* inter se bellum civile inierunt, *Beornred* in fugam verso, *Offa* Rex victor extitit.

(Sim. Dun. de Gestis.)

Rex *Merciorum Ethelbaldus* occiditur . . . cujus regnum *Beornredus* tyrannus invasit et per modicum tempus in parva lætitia et jocunditate tenens, regnum cum vitâ perdidit, quo mortuo, successit in regnum nepos patruelis *Æthelbaldi* Regis *Merciorum*, *Offa*. (Flor. Wigorn.)

Gens de regno *Merciorum*, contra regem suum *Beornredum* insurgens, pro eo quod populum, non æquis legibus, sed per tyrannidem gubernaret, convenerunt in unum omnes, tam nobiles quam ignobiles, et *Offa* duce, adolescente strenuissimo, ipsum à regno expulerunt. Quo facto, unanimi omnium consensu prædictum *Offam* in regem, tam clerus quam populus coronarunt. (Flores Hist.)

¹⁸ *Cateracta* civitas igne cremata est a *Beornredo* tyranno rege *Merciorum* deposito. Sed ipse infelix, eodem anno, justo Dei judicio incendii periit. (Flores. Hist.) By Simon of Durham (de Gestis) he is called "*Earnredus* Tyrannus." It is to be observed, that Florence of Worcester is the only authority by whom the death of *Beornred* is placed in 757, the others merely speak of his deposition by *Offa*.

¹⁹ Sim. Dun. and Mailros—*Gens Anglorum*.—Flores Hist. It is not easy to ascertain what people are meant. The name has inclined many writers to suppose that they were the inhabitants of Hastings, but they could scarcely be of sufficient importance. Perhaps we should read *East Anglorum*.

²⁰ Fuit in *Mercia* moderno tempore quidam strenuus, atque universis circa se regibus et regionibus pacationis formidolosus Rex, nomine *Offa*, qui vallum magnum inter *Britanniam* atque *Merciam* de mari usque ad mare, facere imperavit. (Asser 10.)

MERCIA.

- Offa. *ECGFERTH*. 785 *ECGFERTH*, son of Offa, consecrated as King, in the Council of *Cleofesho*, and associated to his father in the royal dignity²¹.
- 792 Offa causes *ETHELBERT*, King of East Anglia, to be slain, and occupies the kingdom. (Flor. Wigorn.—see East Anglia.)
- Battle of *Rhuddlan*—*CARADOC*, King of *Guinedh*, killed by the Saxons.
(Wynne's *Caradoc*, p. 21.)
- 795—Aug. Offa dies, after reigning 40 years²².
- Ecgferth*. 795 *Ecgferth*, the son of OFFA, succeeds—reigns 140 days.
- Cenwulf*. 796 *Cenwulf*, of the line of *Penda*, succeeds. (Sim. Dun.—Malm.)
- 796 *Cenwulf* conquers *Kent*, and takes the title of King of that country; but the direct dominion is possessed by *CUTHRED*, his brother, and afterwards by *SIGERED*, under his supremacy (p. cclxxx.)
- 801 *Cenwulf* harbours the enemies of *Eardulf* of *Northumbria*—the latter leads his army against *Mercia*—peace concluded by the advice of the Bishops and Principes of England²³.
- 811 *Cenwulf* holds a Great Council, or Witenagemot, at London²⁴.
- 819 Death of *Cenwulf*, leaving a son, *KENELM*, of the age of seven years—slain by his sister, *CWENDRITHA*, who appears to have assumed the royal authority²⁵.

²¹ *Ecgferth*, by the title of "Rex *Merciorum*," joins in several charters granted in the lifetime of his father, of which the following is an example:—

A.D. 788. Ego OFFA Rex *Merciorum*. Ego ECGFRID, Rex *Merciorum*. Ego CYNEDRITH, Regina. Ego *Jaenberhtus* Archiepiscopus. Ego *Hygeberht*, Archiepiscopus. Ego *Ceolwulf*, Episcopus. Signum manus *Brordani*, Præfecti. Signum manus *Berhtwaldi*. Signum manus *Eadbaldi*. Signum manus *Ceolmundi*. (Text. Roff. p. 87.)

²² The Saxon Chronicle states the death of Offa in the same year with the death of Pope Adrian—the latter event took place Dec. 25, 795. When noticing the accession of Offa, the chronicle states that he reigned 39 years: at his death it states the length of his reign to have been 40 years.

²³ This event, which is diffusely told by Simon of Durham, is not noticed in the Saxon Chronicle.

²⁴ The style of the Council is expressed with great peculiarity in the following remarkable record.

In nomine Dei summi Regis eterni, anno autem Incarnacionis ejusdem Domini Salvatoris mundi Jesu Christi DCCC^o XI^o, Indictione vero iiii. porro quoque imperii piissimi Regis *Merciorum*, *CEONULFI* anno xvo, præsulatus etiam *Wlfredi* Archipontificis anno iii. prima die Augusti. In loco præclaro oppidoque regali *Lundonia* . . . concilium pergrande collectum habebatur. In quo videlicet ipse Rex *CEONULF* atque *Wlfred* Archiepiscopus, cum coepiscopis illius duobus, verbi gratia, *Deneberht*, *Hwicciorum* Episcopus *Athelwulf*, Episcopus *Australium Saxonum*, cum principibus ducibusque et majoribus natu, quorum nomina infra caraxuntur. Inter alias quoque diversarum rerum causas, in illo habente consilio interpretatus: placuit pio Rege *Ceonulfo* cum consilio et consensu totius concilii illius, id est, Episcoporum, Principum, Ducum, Judicum majorumque natu, pro honore Dei omnipotentis ac pro expiacione piaculorum ejus atque pro reverentissima dilectione *Wlfredi* Archiepiscopi seu etiam pro ejus larga pecuniarum remuneratione hoc est centum et viginti quatuor mancosas pro hiis rebus. In occidentale *Cancia* . . .

[The description of the land follows.]

Ego *CEONULF*, Domini misericordia Rex *Merciorum*, hujus nostræ donacionis ac libertatis remunerationem mente consona propriisque manibus crucis Christi signo confirmare roborareque studui.

Ælfdrīd, Regina, consensiens subscripsit.

SIGRED, Rex, subscripsit.

Wlfred, Archiepsc. Christi gratia, consensiens subscripsit.

Denebrcht, Episc. subsc. *Beornmod*, Episc. subsc. *Æthelwulf*, Episc. subsc.

Heardbrcht, Princeps. subsc. *Beornod*, Princeps. subsc. *Cynhelm*, Princeps. Episc.

Eadbryht, Dux, cons. subsc. *Egulf*, Dux, cons. subsc. *Eamberht*, Dux, cons. subsc.

Cynebryht, Propinquus ejus, subs. *Æthelhah*, Pedessor, subs.

Coenburht, Abb. subsc. *Seleburht*, Abb. subsc. *Cuthred*, Presb. subsc.

(Bib. Lamb. 1212, p. 403.)

²⁵ At least this inference seems to be warranted by the coins inscribed "Ceneþreþ Regina" on the reverse, of which three types are extant. The obverse of the two first represents a head encircled with the name "Eoba," the third has no head, but the name "Oba" only (Ruding, pl. 5, Nos. 1, 2, and 3.) These coins have been attributed to the queen of Offa, because the workmanship is similar to Offa's coins—a slight and unsatisfactory ground of inference. History does not afford us any reason to suppose that she

PROOFS AND ILLUSTRATIONS.

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MERCIA.

CEOLWULF.

819 CEOLWULF succeeds.

821 CEOLWULF deprived of his kingdom by BEORNWULF, an intruder, not of the royal line of Mercia²⁶.

822 A great synod at Cleofesho, during which two Ealdormen, *BURHELM* and *MUCCA*, are slain²⁷.

823 War between *Egbert* of Wessex and the Mercians—the latter are defeated at Ellendune. The men of *Kent*, *Surrey*, *Sussex*, and *East Anglia*, released from the Mercian supremacy, turn to, or are reduced by *Egbert* (p. ccxxxix.)

823 } A great council held at Cleofesho by BEORNWULF²⁸.
824 }

825 BEORNWULF slain by the *East Angles*, whom he attempts to reduce into subjection. He is succeeded by

LUDICA, his kinsman, who, together with his five Ealdormen, is also slain by the *East Angles*²⁹.

WIGLAF, Dux of the Hwiccians³⁰, the kinsman of LUDICA, chosen to succeed him, but is attacked and deposed by *Egbert*, and is compelled to secrete himself.

Egbert. { 828 WIGLAF restored by *Egbert*, who regrants his kingdom to him, and he reigns henceforward under the supremacy of *Egbert* the Bretwalda³¹. *Wymund*, or *Wigmund*, son of WIGLAF, married to *Alfreda*, daughter of CEOLWULF³². WIGLAF.

838 WIGLAF dies about this time—succeeded by BEORTWULF, his brother³³. BEORTWULF.
(Flor. Wigorn.—Ing.)

exercised a regal or quasi regal power, and it would be strange if the name of *Offa* did not appear upon the coins of his consort. *Eoba* may have been the husband of *Cwendrytha*, who joined with her in assuming the royal authority. The daughter of Cenwulf sat in the Witenagemot of Mercia in the life of her father, so that it is possible some principality may have devolved to her, either by inheritance from her mother, or derived from her father's gift.

Ego COENUULF, gratia Dei Rex *Merciorum*, A.D. 811.

Ego *Uulfred*, Archiepisc. Ego *Deneberht*, Episc. Ego *Aetheluuf*, Episc. Ego *SIGERED*, Rex. Ego *Aelbthrih*, Regina. Ego *Headberht*, Dux. Ego *Beornmoth*, Episc. Ego *Beornnoth*, Dux. Ego *Cynehelm*, Dux. Ego *Eadberht*, Dux. Ego *Cyneberht*, Propinquus Regis. Ego *Coenwald*, Propinquus Regis. Ego *QUOENTHRYTH*, filia Regis. Ego *Eanberht*, Dux. Ego *Aethelheah*.

(Text. Roff. pp. 96, 97.)

²⁶ *Ceolwulfus*, a *Bernulpho* quodam fatuoso, in nulloque lineam regalem contingente, expulsus est.

(Ingulphus, p. 7.)

²⁷ Synodus magnus in loco qui *Clofesho* nuncupatur, et ibidem duo duces interimuntur, *Burghelm* et *Muca*. (Ethelward III. 2.) Flor. Wigorn. notices these "Duces fortissimi;" the event is told with less clearness in the Saxon Chronicle.

²⁸ And which is particularly remarkable on account of the attendance given by his successor, *Ludica*.

A. D. 824. Regnante BEORNULFO . . . facta est conciliabulum in loco qui dicitur *Clofeshoua* . . . Illic omnes Episcopi nostri et Abbates et universi *Mercensium* Principes.

Ego BEORNWULF, Rex *Merciorum*.

Ego *Wulfred*, Archiepiscopus.

Ego *Aethelwald*, *Lindisfarnensis*—*Hredhun*—*Eadwulf*—*Heaberht*, *Wigorniensis*—*Beonna*, *Hereford*,—*Wigthegn*, *Winton*,—*Cioberht*—*Wermund*, *Donmoe*—*Cynred*—*Hunberht*, *Helmham*. Episcopi.

Eadmund—*Cuthwulf*—*Withred*—*Wilfred*.—Abbates.

Beornoth—*Eadberht*—*Sigered*—*Ecgeberht*—*Eadwulf*—*Alhheard*—*Mucel*—*Uhtred*—*LUDICA*. Duces.

Nothelm præco a domino *Eugenio* Papa—*Bynna*, frater Regis—*Bola*—*Aldred*, *Thelonius*—*Piot*, *Presbyter*—*Wighelm*—*Beadheard*—*Cyneberht*—*Eadbald*. (Concilia I. pp. 175, 176.)

²⁹ Some portions of the obscure history of *Ludica* and *Wiglaf* rest upon the authorities of Ingulphus and Flores Hist.—their sources have not been ascertained.

³⁰ Omnium consensu, *Wlafius* Dux *Merciorum*, in regem levatus est . . . (Ingulphus)

³¹ tresdecim annos regnavit, sub ditione tamen et tributo *Egberti* Regis *West Saxonum*.

(Ingulphus, p. 7, and see p. cclx.)

³² Ingulphus: but confirmed by Chron. Mailros.

³³ A.D. 824. Ego BERHTWULFUS, divino fultus suffragio Rex *Merciorum*, cum consilio et consensu principum ac magistratum *Mercianorum* gentis. Ego *HUMBERHT*, Princeps, optinebam a domino meo BERHTUULFO Regi *Merciorum* cum consensu optimatum *Merciorum* ut sit illud monas-

MERCIA.

- 851 *BEORTWULF* driven out of all or great part of his dominions by the Danes.
- BURHRED.* 852 Death of *BEORTWULF*—*BURHRED* succeeds—requests the assistance of *ETHELWULF*, *ETHELWULF* against the "*North Wealas*," otherwise the "*Midland Britons*," who dwell between *Mercia* and the West Sea, and who strove against him (p. cexl.)
- Marries *Athelswitha*, the daughter of *ETHELWULF*.
- 868 Danes advance into *Mercia*—*BURHRED* and his Witan solicit the aid of *ETHERED* *ETHERED*, and of *ALFRED* against the enemy³⁴. The Mercians make peace with them, and allow them to settle in the country.

terium on *Breordune*, liberatum ac absolutum ab omnibus causis quæ mihi aut principibus *Tonsclorum* nunquam ante eo pertinebant ex illo monasterio.

..... Ego *BERHTWULF* domino disponenti Rex *Merciorum* hanc donationem mihi et omnibus *Mercis* in elemosinam sempiternam firmiter donabo, atque cum signo sanctæ crucis consignabo.

Ego *Sethryth*, Regina, consensi et subscripsi. Ego *Tumberht*, Epsc. consensi et subscripsi. Ego *Ciolred*, Epsc. consensi et subscripsi. Ego *Berhtred*, Epsc. consensi et subscripsi. Ego *Alchun*, Epsc. consensi et subscripsi. Ego *Cuthuulf*, Epsc. consensi et subscripsi.

Ego *Eanmund*, Abbas, consensi et subscripsi. Ego *Withred*, Abbas, consensi et subscripsi.

Signum *Muceli*, Principis. Signum *Humberhti*, Principis. Signum *Æthelhardi*, Principis. Signum *Aldberti*, Principis. Signum *Dudan*, Principis. Signum *Sigredi*, Principis. Signum *Wiglafti*, Principis. Signum *Ælfstanis*, Principis. Signum *Hunstanis*, Principis. (Hem. 41.)

The above charter, besides its value in exemplifying the style of the *Mercian* Witenagemot under this King, gives the name of a principality not mentioned elsewhere. In other proceedings *Humbert* is simply styled "*Humberht Dux*."

Contigit autem quod *BERHTWULF*, Rex *Merciorum* tollerat† a nobis et tradidit terram nostram, quod† recte ac jure sub proprio† potestate ac libera possessione cum firma donatione, tradita est et concessa et firmata ad sedem episcopalem, id est, ad *Weogernensem* ecclesiam, Rex prefatus suobus† propriis hominibus condonavit, sicut se inimici homines docuerunt, hoc est, *Stollun*, &c.

Tunc perrexit ille Episcopus *Heaberht*, cum suis secum senioribus, in Pascha, ad *Tomeworthæ* et suas libertates et cartulas ante nominatorum† terrarum secum habentes, et ibi ante regem ejusque proceres fuerunt allecta, et ibi *Merciorum* optimates dejudicaverunt illi, ut male ac injuste dispoliati essent in suo proprio. Tunc illis terra sua reddita est cum pace. A.D. 840.

Hunbeht, Dux. *Mucel*, Dux. *Cyneberht*, Dux. *Æthelwulf*, Dux. *Eadwulf*. *Wicga*. *Eadulf*. *Æthelheard*, Dux. *Dudda*, Dux. *Sigered*, Dux. *Mucel*, Dux. *Ælfred*. *Hwit hyse*. *Aldberht*. (Hem. p. 28.)

³⁴ Prædictus Paganorum exercitus *Northanymbros* relinquens, in *Merciam* venit, et *Scnotengaham* adiit, (quod *Britannice*, *Tiggocobauc* interpretatur, Latine autem, *Speluncarum domus*) et in eodem loco eodem anno hyemaverunt; quibus illic advenientibus, confestim *Burhred*, *Merciorum* Rex, et omnes ejusdem gentis optimates, nuncios ad *Æthered*, *Occidentalium Saxonum* regem, et *Ælfred* fratrem dirigunt suppliciter obsecrantes, ut illi illis auxiliarentur, quo possunt contra præfatum pugnare exercitum; quod et facile impetraverunt. Nam illi fratres non segnius promissione, congregato ex omni parte regni sui immenso exercitu *Merciam* adeunt, et usque ad *Scnotengaham* bellum unanimiter quærentes perveniunt. (Asser. p. 19.)

Simon of Durham is more ample in his narration.

Ea tempestate prædictus Paganorum exercitus *Northanymbros* reliquit, *Snotingaham* pessimo adventu visitavit et adiit, quæ civitas *Britannico* sermone *Tiguocobauc* interpretatur, Latina interpretatione, *Speluncarum domus*, dicitur. Quo in loco, hospites insidiosi eodem anno hiemavere, quorum adventus omnibus populis satis erat ingratus. Audiens autem eorum adventum armipotens Rex *Merciorum* *Burhred* appellatus, et omnes optimates, consilium habuit cum suis comitibus et commilitonibus et omni populo sibi subjecto, qualiter inimicos bellica virtute exuperaret, sive de regno expelleret. Direxit et nuncios veloci cursu ad *Ælfredum* insignissimæ virtutis virum, et ad *Ethelredum* fratrem ejus, ut ei fraternum ostenderent adminiculum quo possent victrici fortitudine eos debellare. Quod ipsi quasi intrepidi leones, agere non distulerunt. Tunc inclitus *Ælfredus* rapidis cæpit præceptis exercitum congregare, illud corde tenus recordans: *Nunquam dives agit, qui trepidus gemens sese credit egentem*. Nequaquam potens vir agit quod desiderat qui trepidus constat, et qui se putat egentem, id est, miserum, si agat quod optat viriliter decertando. Frater ejus similiter succensus furore, usque ad *Snotingaham* perveniunt parati adversus temptamina stare. Pagani vero munitione arcis muniti, bellum promittunt, acies struunt, numerosum exercitum ostendunt, sed tremebundi clavis cernentes viribus Christianum populum in centenis et millenis millibus adversariis resistere sacris ducibus exhortantibus. Tandem per gratiam omnipotentis Domini cessavit ventus turbinis, sedata sunt corda iniquorum, pacem rogantes et fœdus à Christianis, ac si ipsi tali propitio Christo mente exorarent.

*Rapidos Rector comprime fluctus,
Et quo cælum regis immensum
Firma stabilis fœdere terras.*

Facta est inter Reges et paganos pax, et segregati et invicem, sicut oves ab hœdis sequestrantur.

(Sim. Dun.)

† Sic.

- ALFRED. 871 About this time the Mercians attempt to throw off the supremacy of Wessex, and refuse to co-operate with ALFRED against the Danes. (Malm.)
- 874 BURHRED, expelled by the DANES, retires to Rome.
- Danes.* { CEOLF, or CEOLWULF, "an unwise Thane of BURHRED," appointed King of Mercia by the DANES—takes the oath of fealty to them, and undertakes to hold the kingdom upon condition of being always ready in their service, and to surrender the same when required³⁵. *CEOLWULF.*
- 876 } Danes enter again into Mercia, part of which they divide, and part they allow CEOL-
877 } WULF to retain.
- 880 A treaty concluded with GUTHRUN, by which the Mercian territories included within a frontier line, drawn from the source of the *Lea* to *Bedford*, thence along the *Ouse* to *Watling-street*, were ceded to the Danes (p. ccliii.) *GUTHRUN.*
- The community of the Danish Burghs probably began to be formed about this time.
- Alfred.* { 886 Mercia, except such parts as had been occupied by the Danes, appears about this time to have been recovered by Alfred,³⁶ and treated by him as a dominion beneath his supremacy, though retaining a separate government. He grants or entrusts London³⁷ to the Ealdorman ETHERED, or ETHELRED, married to ETHELFLEDA, his daughter. *ETHELRED.*
- 896 ETHELRED holds a Witenagemot of Mercia at Gloucester, by permission of ALFRED³⁸.

³⁵ Asser. 8, Saxon Chron.—The events of 874 and 876 are only parts of the same transaction.

Anno Dominicæ Incarnationis 874, nativitatibus autem Ælfredi regis vigesimo sexto, supra memoratus sæpe exercitus, Lindissig deserens, Merciam adiit, et hyemavit in loco, qui dicitur Hreopedune: Burghredum quoque Merciorum regem regnum suum deserere, et ultra mare exire, et Romam adire contra voluntatem suam coegit vigesimo secundo regni sui anno; qui postquam Romam adierat, non diu vivens ibi defunctus est; et in schola Saxonum, in ecclesia Sanctæ Mariæ honorifice sepultus, adventum Domini, et primam cum justis resurrectionem expectat. Pagani quoque post ejus expulsionem totum Merciorum regnum suo dominio subdiderunt: quod tamen miserabili conditione cuidam insipienti ministro regis (ejus nomen erat Ceolwulf,) eodem pacto custodiendum commendaverunt, ut qualicunque die illud vellent habere iterum, pacifice illis assignaret; quibus in eadem conditione obsides dedit et juravit, nullo modo se voluntati eorum contradicere velle, sed obediens in omnibus esse. (Asser, p. 27.)

Withlafius in initio regni ab eodem Ecgberto sub jugo missus regnavit annis tresdecim, et illi et filio, capitis et pecuniarum tributa persolvens. Eadem sorte Berthulphus tresdecim annis regnans, novissime a piratis Danorum ultra mare fugatus est. Burhredus accepta Ethelswida filia Regis Athulphi filii Egberthi affinitate illius et vectigalium pensionem et hostium depredationem consolatus est. Sed post viginti et duos annos ab eisdem, patria deturbatus, Romam diffugit. Tunc regnum illud a Danis cuidam Kelwulfo, Burhredi ministro traditum, et ne ultra placitum retineret sacramento firmatum. Post paucos annos Alfredus nepos Ecgbrihi obtinuit. Ita principatus Merciorum qui per tumidam gentilis viri insaniam, subito effloruit, tunc per miseram semiviri ignaviam omnino emanavit. (Malm. de Gestis, l. 5.)

³⁶ Florence, in his Genealogies (p. 692), confines the dominion of Alfred to such part as had been governed by Ceolwulf, and to London and its adjoining district. Malmesbury's view of Alfred's government is clear and instructive.

Anno Dominicæ Incarnationis nongentesimo primo regnum obtinuit Edwardus filius Alfred et tenuit viginti tribus annis; literarum scientia multum inferior patre, sed regni potestate incomparabiliter gloriosior. Siquidem ille duo regna Merciorum et West Saxonum conjunxerat, Merciorum nomine tenens, quippe commendatum duci Ethelredo tenens. Iste primum mortuo Ethelredo, Mercios omnifariam, mox Occidentales et Orientales Anglos et Northanimbros, qui cum Danis jam in unam gentem coaluerunt, et Scottos, qui aquilonalem insulæ partem inhabitant; Brittones omnes, quos nos Wallenses dicimus, bellis profligatos, suæ ditioni subegit; nec unquam in aliqua pugna humiliorem manum habuit. (Malm. de Gestis, ll. 5.)

³⁷ Eodem anno, Alfred Angul Saxonum Rex, post incendia urbium, stragesque populorum, Londoniam civitatem honorifice restauravit, et habitabilem fecit, quam genero suo Etheredo Merciorum comiti commendavit servandam; ad quem Regem, omnes Angli et Saxones, qui prius ubique dispersi fuerant, aut cum paganis sub captivitate erant, voluntarie converterunt, et suo dominio se subdiderunt. (Asser. 52.)

³⁸ ƿa 8y zene, zebeon ƒþelped Aldeþman alle ƒeþcna peotan to romne to Gleape ceapþne, biþcopaþ ƒ aldeþmen, ƒ all hyr duzuðe ƒ ƒæt dyde be ƒelfþedeþ cyningeþ zeþitneþre ƒ leape.

Alderman ETHELRED summoned all the Witan of Mercia together at Gloucester—Bishops and Aldermen, and all his Nobility—and this he did with the knowledge and permission of King ALFRED.

(Heming. p. 93.)

MERCIA.

- 905 Danes, at the instigation of *ETHELWALD*, the pretender to the throne at the death of *ALFRED*, overrun *Mercia*.
- ETHELFLEDA*. 912 Death of *ETHELRED*. *ETHELFLEDA*, his widow, continues to govern the country. (p. cclxxxvi.)
- 916 *ETHELFLEDA* conquers Brecknock.
- 918 *ETHELFLEDA* regains Derby from the Danes.
- 918 } Earl *THURKYTEL* and Danes of *Northampton* and *Bedford* submit to *Edward*.³⁹
- 919 }
- 920 "*Legraceastre*," or *Chester*, taken by *ETHELFLEDA*.
- Edward the Elder*. 920 Death of *ETHELFLEDA*. *Edward* assumes the direct dominion of *Mercia*.
- 921 Earl *THURFERTH*, and the Holdas, and all the Host of *Northampton*, as far as the *Welland*, submit and do homage to *Edward*.⁴⁰
- Huntingdon* also submits to him.
- 922 All the people of *Mercia*⁴¹, Danes as well as English submit to him⁴².
- Chester* reduced by *Edward* a short time before his death⁴³.
- Athelstane*. 925 *Athelstant* elected or accepted as King of *Mercia*⁴⁴.
- The tributes which the Welsh paid to *Athelstane* and his successors seem to have been rendered to him in the character of King of *Mercia*, or of *London*. (p. cclvii.)
- Edmund*. 942 *Leicester*, *Lincoln*, *Nottingham*, *Stamford*, and *Derby*, submit to the supremacy of *Edmund*,⁴⁵ King of the *Mercians* and *Angles*⁴⁶.
- 940 } *ANLAF* or *AULAF* declared King of England north of Watling-street.
- 943 } (See *Northumbria*.)

Edward
the Elder.

³⁹ *Danicus Comes Thurferthus*, quia Regis diutius strenuitati resistere non valebat, cum civibus et provincialibus *Northamtunensibus*, *Danis* et *Anglis* regi se dedebat. His gestis, Rex domum rediit, aliumque exercitum ad *Huntandun* è vestigio misit, ut civitatem resarcirent et renovarent, et in ea custodes ponerent. Quibus peractis, omnes provinciales illi, qui *Danorum* supererant crudelitati, se manibus illorum evasisse gaudentes, pacem et patrocinium regis petebant. Paucis vero interjectis diebus, *Westsaxonico* coadunato exercitu, ad *Coleceastriam* Rex abiit; et murum illius redintegravit, virosque in ea bellicosos, cum stipendio, posuit. Interim de *Eastanglia* et *Eastsexonia* multi *Anglorum*, qui ferme triginta annos, feritati *Paganorum* subjacebant, læto animo se regi subiciebant. Ad quem etiam *Dani*, *Eastangliam* incolentes, venerunt, et se mari terraque nil, quod regem offenderet, penitus acturos, sacramento firmaverunt. Venit et *Danorum* exercitus de *Grantebricgeie*, et illum in dominum et patronum delegit; et hoc juramentis, ut ipse voluit, roboravit. (Flor. Wigorn. and see p. ccxliii.)

⁴⁰ Eodem anno Rex *Edwardus* ivit cum exercitu ad *Buckingham*, ibique mansit quatuor hebdomadis, fecitque vallum ex utraque parte aquæ antequam inde recessisset. Et *Turchetul* consul ibi subditus est Regi; omnesque consules et meliores barones qui appendebant ad *Bedefordiam* et plures ex illis qui appendebant ad *Hamtoniam*. (Hunt.)

⁴¹ And him cyrde to, eall se theodscipe on Myrcna lande the *Æthelflæde* ær undertheoded wæs.

⁴² It is not certain whether this event did not take place immediately on the death of *Ethelfleda*.

⁴³ Paucis ante obitum diebus, urbem *Legionem*, fiducia *Brittonum* rebellantem, a contumacia compescuit. (Malm. II. 6.)

⁴⁴ *Adelstan* filius *Edwardi* electus est Rex in *Merce*, et sacratus apud *Kingestun*. (H. Hunt. and see p. cclxiv.) The testamentary disposition of his father might apply to either kingdom—"jussu patris in testamento *Athelstanus* in regem acclamatus est." (Malm. I. 6.)

⁴⁵ 942 Magnificus Rex *Anglorum* *Eadmundus*, quinque civitates, *Lindicolniam*, *Snotingaham*, *Deor-beiam*, *Leogascestram*, et *Stamfordam*, manibus *Danorum* penitus extorsit, totamque *Merciam* in suam potestatem redegit. (Sim. Dun.) These victories form the subject of an Ode, inserted in the Anglo-Saxon Chronicle. *Derby* acquired its present name from the Danes; by the English it was called *Northweorthig*. (Ethelward III. 2.)

⁴⁶ The following charter, in which he assumes these titles, must have been granted about this period:—

Ego *EADMUNDUS* Rex *Anglorum* necnon et *Merciorum*. Ego *EADMUNDUS* Rex *Anglorum*. *EADRED*, frater Regis. *Eadgife*, mater Regis. *Oda*, Archiepiscopus. *Ælfet*, Episcopus [and five other Bishops.] *Elfgifa*, concubina Regis. *Wulfgar*, Dux. *Athelstan*, Dux. *Eadmund*, Dux. *Scula*, Dux. *Sigferth*, Dux. *Wulfrie*, Minister. *Ealdred*, Minister. *Ælfstan*, Minister. *Ordeah*, Minister. *Eadward*, Minister. *Odda*, Minister. *Ælla*, Minister. *Ælfgar*, Minister. *Osferth*, Dux. *Wihthgar*, Minister. *Wulfsige*, Minister. *Birhtwald*, Minister. (Text. Roff. pp. 108, 110.)

PROOFS AND ILLUSTRATIONS.

ccclxxxv

MERCIA.

- 947 Accession of *Edred* to the Kingdom of *Mercia* (p. cclxvi.) *Edred.*
- Eadwy.* 955 *Eadwy*, King of *Mercia*⁴⁷, *EDGAR*, his brother, being Subregulus thereof. *EDGAR.*
- 957 *EDGAR* Atheling chosen as King by the *Mercians* who revolt against *Eadwy*.⁴⁸
(p. ccxlix.)
- 958 } *Edgar*, on the death of *Eadwy*, succeeds to the Kingdoms of *Mercia*, *Wessex*, and *Edgar.*
959 } *Northumbria*.
- 975 Accession of *Ethelred*. *Ethelred.*
- 1007 *EDRIC STREONE* appointed Ealdorman of *Mercia* (p. cclxxxvii.)
- 1012 *EDRIC STREONE* holds a Witenagemot at London.
- 1013 The Danish Burghs submit to *SWEYNE*, together with all the Host north of *SWEYNE*.
Watling-street.
- 1014 *CANUTE* retains possession of the Northern part of *Mercia*, *Ethelred* having been *Ethelred.*
restored in *Wessex*.
- 1015 A great council of the Danes and English held at Oxford. *SIGFERTH* and
MORCAR, sons of *Earngrim*, chief Thanes of the Danish Burghs, slain whilst
attending the same.
- EDMUND* Atheling carries off the widow of *SIGFERTH*. The Danish Burghs
submit to him.
- 1016 *CANUTE* takes *Mercia* (London excepted) upon the division of the Empire between *CANUTE.*
him and *EDMUND Ironside*.
- CANUTE*, on the death of *EDMUND Ironside*, having become King of all England,
appoints *EDRIC STREONE*, Earl or Viceroy of *Mercia*. (See *Northumbria*.)
- 1018 Danes and English assemble at *Oxford*, and agree to accept the laws of *Edgar*⁴⁹.
- 1022 Another council, or Witenagemot, held at the same place, in which the Danes and
English agree to accept the laws of *Edward the Elder*⁵⁰.
- 1035 *HAROLD* Harefoot chosen King of *Mercia* by the influence of Earl *LEOFRIC* *HAROLD Harefoot.*
and the Thanes North of the Thames⁵¹.

⁴⁷ For the passages proving that *Eadwy* succeeded to *Mercia* as a Kingdom distinct from *Wessex*, see p. ccxlix.

⁴⁸ According to the Chronicle, *Edgar* succeeded to *Mercia* immediately on the death of *Edmund*, in 955—"Eadgar Atheling feng to Myrcena rice;" other authorities (p. ccxlix) assert that the Mercians and Northumbrians abandoned *Eadwy*, and chose *Edgar* in 957. These contradictions are explained by the charter (p. ccxlix), which shews, that in the first instance, *Edgar* took *Mercia* as a Subregulus, and therefore, that the subsequent transactions relate to his acquisition of the supremacy, freed from the ascendancy of *Wessex*. As King of *Mercia* he gave the bishopric of Worcester to Dunstan, whom he had recalled from exile.

⁴⁹ *Angli et Dani apud Oxenefordam de lege Regis Edgari tenenda concordēs sunt effecti.* (Flor. Wig.)

⁵⁰ 1022 *Angli et Dani in colloquio apud Oxoniam celebrato de legibus Edwardi primi tenendis concordī effecti sunt. Unde eisdem legibus jubente Rege Cnutone ab Anglica lingua in Latinam translatis, tam in Dania quam in Anglia propter eorum æquitatem, a regi præfato observari jubentur.*

(Flores Hist.)

These conventions seem to have been particularly held for *Mercia*.

⁵¹ He is not expressly designated as King of *Mercia* in the account of this transaction as contained in the Saxon Chronicle, but he is so called on his accession to the government of all England.

(Sim. Dun. 179.—Flor. Wigorn. 622.—See *Northumbria*.)

MERCIA.

MIDDLE ANGLES.

PEADA. 653 PEADA, Ealdorman of the Middle Angles (p. cclxxvii.)

THOR. 1041 THOR, Comes or Earl of Middle Anglia about this time (p. ccxcii.)

MIDDLE ANGLES.

MERCIA.

EALDORMEN AND EARLS OF MERCIA,

*After the final subjection of the Kingdom to the Imperial Supremacy of Wessex.*⁵²

ETHELRED. 883 *ETHELRED, ETHERED, or EADRED*, ruler of Mercia under the supremacy of ALFRED about this time⁵³—married to *ETHELFLEDA*, daughter of ALFRED, by his wife *Ealswitha*, of the royal line of Mercia.

886 London granted to *ETHELRED* by ALFRED, to be held in fealty⁵⁴.

912 *ETHELRED*, "Patricius, Dux, Dominator, Ealdorman, or Subregulus"⁵⁵ of Mercia, under ALFRED, dies—*ETHELFLEDA*, his widow, daughter of *Eahlswitha*, the Lady of Mercia⁵⁶, still continues to govern the country, with the exception of London and Oxford, retained by *EDWARD*.

ETHELFLEDA. 919 } *ETHELFLEDA*, "Domina Merciorum," dies at Tamworth, having held the govern-
920 } ment of Mercia, by legitimate authority, during eight years, leaving *Elfwine* or *Alwin*, her only daughter by Ethelred, heiress of the Kingdom. *Edward* takes possession of the country⁵⁷.

⁵² *Ethelred* and *Ethelfleda* appear to have possessed the usual authority of the "under-Kings." *Edric Streone* appears rather in the character of a viceroy. Such portions of Mercia as are included in Danelaghe do not seem to have been subjected to these rulers.

⁵³ I use the expression, because the style of the charter whence we collect this fact is singular and guarded, as if he wished to assert a full title to the sovereignty, without taking the title of King.

Ego *Æthelred*, divina largiente gratia, principatu et dominio gentis *Merciorum* subfultus.

Ego *Athelred Merciorum* gentis ducatum gubernans. A. D. 833.

Then follow the names of the Optimates of *Mercia*, from whence we may collect that the Kingdom then contained at least five subordinate Earldoms.

Wulfred—*Werfirth*—*Deorlaf*. Bishops.

Athelwald—*Aldulf*—*Beornath*—*Æthelferth*—*Althelm*. Ealdormen.

Eandulf—*Elfwald*—*Eadnoth*—*Alfred*—and *Athelmund*. (Smith's Bede, App. 771.)

Ethelred's ancestry is unknown: but as his daughter was considered as lawful heir by inheritance, it is probable that she had a lawful hereditary right transmitted to her.

⁵⁴ *In fidelitatem* concessit. (Malm. de Gestis.) *Ethelredo* comiti *Merciorum* commendavit servandam. (Asser, p. 52.)

⁵⁵ *Æthelred*, Dux et Patricius gentis *Merciorum* cum licentiâ et impositione manus *Ælfredi* Regis una cum testimonio et consensu seniorum ejusdem gentis, episcoporum vel principum. 880. (Hem. 62.)

ÆLFRED Rex *Anglorum* et *Saxonum*, et *ETHELRED*, Subregulus et Patricius *Merciorum* cum testimonio et licentia seu consensu senatorum, episcoporum seu ducum utriusque gentis. 889. (Hem. 41.)

EADWARD Rex *Æthelred* Dux *Merciorum* et *Æthelflæde*, senatoresque eorum. 907....

Æthelred Dux et Dominator *Merciorum* necnon quoque et *Æthelflæde* cum testimonio episcoporum et principum aliquorumque senatorum sibi subjectorum, (and see p. ccxxi.) *Ethelred* is inserted amongst, and concludes the list of Mercian kings (Heming, 242.) He and his wife are called "*Mercna Hlafordes*." A. D. 904. (Hem. 13.)

⁵⁶ *Æthelfleda*, *Eadredo* *Merciorum* comiti copulata est. (Asser, 42.)

Eximie vir probitatis, Dux et Patricius, Dominus et Subregulus *Merciorum* *Æthelredus*, post nonnulla quæ egerat bona decessit. Post cujus mortem uxor illius *Ægelfleda*, regis *Alfredi* filia, regnum *Merciorum*, exceptis *Lundonia* et *Oxenforda*, quas suus germanus Rex *Eadwardus* sibi retinuit, haud brevi tempore strenuissime tenuit. (Flor. Wigorn.)

⁵⁷ *Ægelfleda* *Merciorum* Domina, in principio anni, cum auxilio Dei, *Leogereceastram* pacifice acquisivit, et exercitum *Danorum*, qui ad illam pertinebat, ferme totum in deditionem accepit. Cui etiam *Dani* qui *Eboracæ* præsidebant, quidam pacto, quidam juramento, firmaverunt se ipsius voluntati et consilio in omnibus consensuros. Rex *Eadwardus*, invictissimus Senior, post rogationes cum exercitu, *Stanfordam*

962 } *ÆLFERE*, a Kinsman of *Edgar*, "Dux, Ealdorman, or Heretog"⁵⁸ of *Mercia* *ÆLFERE*.
984 } about this time⁵⁹.

985 *ÆLFERE*, Ealdorman of *Mercia*, dies.

EDWIN, or *AGILWIN*, afterwards called *Odda*, succeeds as heir of *ÆLFERE*, but immediately resigns his inheritance, and becomes a monk at *Pershore*—died 1056, and he was buried⁶⁰ in the monastery.

ÆLFERIC, "Comes, Heretog, or Ealdorman" of the *Mercians* (p. ccxxiii), another son of *Ælfere*, succeeds, but is banished from England. (Lib. Abb.) *ÆLFERIC*.

992 *ÆLFERIC*, Ealdorman about this time. Probably the same as the preceding.

1007 *EDRIC STREONE*, a man of low birth, who had married *Egitha*, daughter of *Æthelred*, appointed Dux, *Præfectus*, or *Ealdorman* over the whole Kingdom of *Mercia*⁶¹. *EDRIC STREONE*.

1016 } *EDRIC STREONE* re-appointed Earl of *Mercia* by *Canute*. (p. cclxxxv.)
1017 }

profectus est, firmamque in australi plaga amnis *Welund* arcem munivit, et non solum *Danos*, qui in septentrionali plaga ejusdem amnis arcem tenebant, sed et omnes qui ad illam pertinebant, in deditionem accepit. Dum hæc aguntur, soror illius *Ægelsteda Merciorum* Domina, insignis prudentiæ et justitiæ, virtutisque eximiæ fæmina, octavo anno ex quo sola regnum *Merciorum* strenuo justoque rexit moderamine 19 Calend. Julii obiit, et unicam filiam suam *Alfwinnam* ex *Æthelredo* Subregulo susceptam, hæredem regni reliquit. Cujus corpus *Glavorniam* delatum, in Ecclesia Sancti *Petri* est honorifice tumulatum. Quod ut regi nunciatum est, *Tomweorthige* mox properavit, eamque suo dominio subjugavit. Inde movens exercitum, ad *Snotingaham* profectus est, captamque urbem resarcire jussit, et in ea *Anglos* simul et *Danos* collocavit. Processu vero temporis prius *Mercenses* omnes, et *Danos*, *Merciam* inhabitantes, deinceps tres reges *Britonum* videlicet *Howelum*, *Clitwic*, et *Juthwal*, cum suis populis in sui deditionem obtinuit

920 Post hæc, ab *Ælfwinna* nepte sua omnem potestatem regni *Merciorum* penitus ademit, et in *West Saxoniam* duci præcepit. (Flor. Wigorn.)

⁵⁸ Ic *Oswald* þurh godes giefes Bisceop, mid geþafunge and leafe *EADGARES Angul* cyninges and *ÆLFERES Myrcna* Heretogan. A. D. 962. (Hem. 125.)

⁵⁹ 983 Dux *Merciorum* *ELFERUS*, propinquus Regis *Edgari* obiit. Ducatumque ejus *ALFRICUS* filius ejus successit. (Melrose.—Flor. Wigorn.)

According to the tradition he was eaten up by vermin. (Malm. II. 9.)

986 *ALFRICUS*, Dux *Merciorum* filius *ELFERI* Ducis *Angliæ*, expellitur.

(Melrose. Ch. S. P. de B. 3. and see p. ccxxiii.)

⁶⁰ In 1259 his remains were discovered, together with a leaden plate, bearing the following inscription: "Odda, Dux quondam, priscis temporibus *Edwinus* vocatus in baptismo, cultor Dei qui monachus effectus fuit, ante mortem suam hic requiescit. Sit ei gaudium in pace cum Christo Deo. Amen." (Lel. Coll. I. 284.) The Saxon Chronicle says, "he was a good man, and pure, and very noble,"—but does not mention the name of his father. Flor. Wigorn. describes him as "*Agilwin*, id est *Odda*." The Chronicle used by Leland states, that he took the monastic habit in order to atone for the sins of his father *Alfhære*, and as the accession of *ALFRIC* took place in the same year with the death of *Ælfere*, it follows that *Odda* immediately abdicated in favour of his brother. In the printed text of Leland, *Alfhære* is called "*Delfere*," a mistake of the transcriber—the A and the D being scarcely distinguishable from each other in manuscripts.

⁶¹ On thissum yeare was *Eadric* gesett to Ealdorman on eall *Myrcena* rice.

Rex, *Eadricum*, *Ægelrici* filium, hominem humili quidem genere, sed cui lingua, divitias ac nobilitatem comparaverat, callentem ingenio, suavem eloquio, et qui omnes id temporis mortales tum invidia atque perfidia, tum superbia et crudelitate superavit, *Merciorum* constituit Ducem. Cujus fratres extiterunt *Briht-ricus*, *Ælfricus*, *Goda*, *Agelwinus*, *Agelwardus*, *Agelmerus* pater *Wulnothi* patris *Westsaxonum* Ducis *Godwini*. (Flor. Wigorn.)

MERCIA.

HWICCAS.

HWICCAS, or "MAGESETANIA."

EANFRID. EANHERE.

— EANFRID, and EANHERE his brother, Kings or Rulers of HWICCAS¹.

OSRIC. OSWALD.

676 } OSRIC, or OSTRIC (supposed to be nephew of *Ethelred*, King of Mercia—
 689 } Mon. I. 541) appointed King or Subregulus of part of *Hwiccas*, afterwards called
Gloucestershire, and OSWALD in like manner, appointed Ruler of *Worcester-*
*shire*². (Mon. I. 541.)

KENFRITH.

680 } KENFRITH, the kinsman of *Ethelred*, Comes *Merciorum* about this time³.
 685 }

BERTHWALD.

— BERTHWALD?

OSHERE.

680 OSHERE, King of *Hwiccas*⁴.ÆTHELWARD,
ETHELRIC,
CUTHBERT.

706 ÆTHELWARD, ETHELARD, or AILWARD⁵, King or Subregulus of *Hwiccas*,
 son of *Oshere*. AILRIC, EALRIC, or ETHELRIC, another son of *Oshere*,
 (p. ccxviii) reigned about the same time⁶, there being also CUTHBERT, bearing
 the title of Comes *Wicciorum*⁷.

EANBERHT,
UHTRED,
ALDRED.

742 } EANBERHT, UHTRED, and ALDRED, brothers, and Subreguli of the "gens
 758 } *Huicciorum*⁸."

¹ *Eaba*, the Queen of *Ethelwalch*, of *Sussex*, was the daughter of *Eanfrid*, who was already married, in 678, and it should seem that *Eanfrid* and *Eanhere* must have ruled before *Osric* and *Oswald*. They had received Christianity. (Bede IV. 13.)

² *Osric* assumed the royal title in his charter (Mon. II. 264,) and he is called King of the "Provincia *Huicciorum*," by Bede (IV. 23); it is therefore probable that he enjoyed the supremacy of the country, and that *Oswald* held his territory as an appanage. One chronicler erroneously identifies this *Osric* (Mon. I. 542) with *Osric* of Northumbria.

³ *Kenfrith* Comes *Merciorum* regii affinis sanguinis; vir, corpore seculo, mente, militans Deo Ego *Ethelredus* patricio meo ac propinquo *Kenfritho* A.D. 681. Another charter, dated 685, is thus subscribed:—*Berthwaldus*, Subregulus. *Kenfrithus*, Patricius. *Theodorus*, Archiepiscopus *Sexulfas*, *Lichfeldiæ*, et *Bosel Wigornia*, Episcopi. (Vita *Aldelmi*, p. 10.) *Berthwald* was the son of *Wulfhere*—"non quidem Rex potestate sed Subregulus in quadam regni parte." It is possible that these princes may have governed part of *Hwiccas*—but they are only inserted hypothetically.

⁴ OSHERE Rex, cum licentia præstantissimi Regis *Britanniæ* Domini mei, nomine *Ethelred*. 680. (Hem. 46.)

Huicciorum Subregulus *Osheres*, qui dignitate regia præsidebat. (Flor. Wigorn. 685.)

In another charter we find a "Subregulus *Huicciorum* *Oshere*," (Hem. 54,) probably the same person.

⁵ Ego ÆTHELWARD Subregulus, OSHERI quondam Regis *Wicciorum* filius. Ego COENREDUS, Dei dono Rex *Merciorum* eandem donationem telluris quam ÆTHELWARD, Subregulus *Wicciorum*, me concedente donavit, signo crucis munio. Ego *Berthwald*, Archiepsc. Ego *Eadda*, Episc. Ego *Tobias*, Episc. Ego *Eadgar*, Episc. Ego *Nothberht*, Episc. Ego CUTHBERTH, Comes *Wicciorum*, consensi. Ego *Eadberht*, Comes. Ego *Eoppa*, Comes. Ego *Cuthberht*, Comes. Ego *Omolung*, Abbas. Ego *Wecca*, Abbas. Ego *Truttuc*. Ego *Wada*. (Bib. Cot. Vesp. D. xxiv. p. 22.)

⁶ Ego *Ailricus*, *Oseri* Regis filius, consentiente Rege *Kenredo*, domino meo. A. D. 706. (Bib. Cot. Vesp. B. xxiv. p. 29.)

⁷ For *Ethelric*, see also p. ccxviii, and Leland, Collec. II. 299.

⁸ UHTREDUS, Deo donante, Regulus *Huicciorum* cum consensu et licentia OFFANI Regis *Merciorum* simulque episcoporum ac principum ejus. A. D. 770.

Ego OFFA, Dei dono, Rex *Merciorum*, hanc donationem Subreguli mei consensi. Ego UHTREDUS, Regulus propriæ gentis. Ego ALDREDUS, Subregulus *Huicciorum* huic donatione fratris mei consentiendo subscribo. Ego *Mildredus*, *Huicciorum* Episcopus. Ego *Eada*. Ego *Brorda*. Ego *Eadbald*, Ego *Cynethryth*, Regina *Merciorum*. Ego *Ecferdus*, filius amborum. (Hem. 323.)

UHTREDUS, Dei dono Subregulus *Huicciorum* secundum licentiam et permissionem domini mei excellentissimi OFFANI, Regis *Merciorum* et ducum ejus ac principum.....

Ego OFFA, *Merciorum* Rex. Ego UHTREDUS, Subregulus. Ego ALDREDUS frater *Uhtredi* æque Subregulus *Huicciorum*. Ego *Mildredus*, Episcopus. Ego *Eadbertus*, Episcopus.

Eata, Princeps. *Esne*, Dux. *Brorda*, Princeps. *Eadberht*, Dux. *Berhtwald*, Princeps. *Eadbald*, Dux. (Hem. 324.)

Nos tres germani uno patre editi, EANBERHT, atque UHTRED, necnon et ALDRED, cum licentia et permissione piissimi Regis OFFANI Regis *Merciorum*.

Ego OFFA, Rex *Merciorum*, huic donatione consensi et subscripsi. Ego EANBERHT, Regulus, consensi. Ego UHTRED, Regulus, consensi. A. D. 759. (Hem. 53.)

PROOFS AND ILLUSTRATIONS.

cclxxxix
MERCIA.

- | | | |
|-----|---|------------|
| 799 | BRORDA, otherwise <i>HIDEGILS</i> , Prince of the <i>Mercians</i> , dies ⁹ . | BRORDA. |
| 800 | HUGO, "Magnus" Dux, said to have flourished in Mercia ¹⁰ . | HUGH. |
| 800 | ETHELMUND, Ealdorman of the <i>Hwiccsians</i> , also called Duke of Mercia and "King of the March," (Wilton Chron.—Mon. II. 1315.) gives battle to the <i>Wiltscættan</i> ¹¹ . | ETHELMUND. |
| 825 | WIGLAF, Dux <i>Wicciorum</i> , advanced to the throne of Mercia (p. cclxxxi.) | WIGLAF. |
| 855 | ATHELWULF, Dux (probably of <i>Hwiccs</i>) about this time, married to <i>Wulfritha</i> ¹² . | ATHELWULF? |

Hwiccs, properly so called, was conterminous with the ancient Bishopric of Worcester. The name of "*Magesettan*" was given to the people who inhabited this district, and also to the inhabitants of the ancient Bishopric of Hereford, *West-Hecana*, or *Hecana*, the *Fferregs* of the Britons (Flor. Wig. 684, 685;) and it is probable, that the *West-Hecana* may always have been a dependant member of the *Hwiccsian* State. But Florence clearly considered both Bishoprics as parts of *Magesetania*, though modern writers restrict that name to Hereford. After the Danish invasions, *Hwiccs* formed the nucleus of *Ethelred's* kingdom, Worcester being his capital. But from this period no individual is styled "Dux" or "Comes" of "*Hwiccs*," though the name continued to be applied to the Bishopric of Worcester, in documents relating to ecclesiastical jurisdiction.

WORCESTER.

WORCESTER.

- | | | |
|------|---|-------|
| 1029 | HACO, Earl of Worcester? son of <i>Eric</i> , Earl of Northumberland, by <i>Githa</i> , sister of King CANUTE, compelled to leave England ¹³ . | HACO. |
|------|---|-------|

EANBERHTUS, Deo prædestinante Regulus propriæ gentis *Huicciorum* simulque germani mei mecum *UHTREDUS* et *ALDREDUS* eadem vocabuli dignitate et imperio fungentes. (Hem. 37.)

OFFA, divinæ dispensationis gratia Rex *Merciorum* Ego quoque *ALDREDUS*, Subregulus *Wigornia* civitatis, hæc eadem confirmo.

Ic *ALDRED* *Wigræcestres* under cining. A. D. 786. (Hem. 27.)

Osred, a noble minister or thane of this royal family, is noticed in one of *Ethelbald's* charters:—

Osred, qui est de stirpe non ignobili prosapia regali gentis *Huicciorum*, Minister *Æthelbaldi* Regis. A. D. 743. (Hem. 56.)

These princes reigned at the same time. There is one charter granted by *Aldred* and *Uhtred* (Hem. 106) and another by *Aldred* (Hem. 115); but the absence of dates, and other particulars, renders it impossible to ascertain whether they reigned over different districts, or whether they are to be considered as possessed of a joint dominion.

⁹ *Brorda* *Merciorum* princeps, qui et *Hidegils*. (Sim. Duu. and Hoveden.)

¹⁰ So designated in the Chronicle of Tewkesbury (Bib. Cott. Cleop. C. III. p. 220). I suspect that this *Hugo* is no other than *Hildegils* or *Brorda*.

¹¹ It will be seen from the following passages that these titles were considered equivalent to each other.

Edelmundus consul, recessit a *Wiccum* et veniens *Kinmeresford*, obviavit *Wicstano* consulicū *Wilsatis*, et illico pugnaverunt, et ambo consules occisi sunt, et *Wilsates* vicerunt. (Hoveden, 236.)

Ordinatur *Ecgyrht* super *Occidentales Anglos* in regnum; in ipso vero die transeunte *Æthelmund* duce, per quoddam prædium quod *Huiccum* nuncupatur, veniens ad vadum quod dicitur *Cynmeresfordu* ibique ei occurrit *Uuextan* Dux, cum centurias populi *Uulsætān*; ambo cadunt illic inita pugna, *Uulsætā* tamen victores existunt. (Ethelward III. 2.)

And thy ilcan dæge rad *Æthelmund*, Ealdorman of *Huiccum* ofer æt *Cynmæres* ford, tha mætte hine *Weoxtan*, Ealdorman mid *Wilsatū*.—Eodem vero anno qui Rex *Beortricus* decessit, contigit *Merciorum* Dux *Æthelmundum* de *Mercia* cum suis exiise, vadumque quod lingua *Anglorum* *Kinmeresford* nominatur transisse, cujus adventu cognito *Wiltoniensium* Dux *Weohstanus* cum *Wiltoniensibus* ascendit contra eum. (Flor. Wigorn.)

¹² "*ÆTHELWULF* Dux," also called "*ÆTHELWULF* Princeps," and his wife, *Wulfritha*, obtain a grant of lands from *Alwine*, Bishop of Worcester, A. D. 855. (Smith's Bede, App. 769.)

In 887, "*ÆTHELWULF* Dux" enters into a concord "cum testimonio *ELFREDI* Regis et *ETHELREDI* Ducis *Merciorum*" concerning lands claimed by the see of Worcester. (Hem. 30.)

¹³ *Hacū*, who, with the title of Dux, frequently appears as a member of Canute's Witenagemot, is specially addressed as an Earl, in *Worcestershire*, in the following writ. But it is possible that he was also Earl of other shires: for his power was so great, that Canute dreaded lest he should deprive him of his life or kingdom.

MERCIA.

RAULF. 1041 **RAULF**, grandson of **Ethelred** (being the son of his daughter **Goda**, by **Walter de Mantes**), Earl of the **Magesetan**¹⁴ (**Flor. Wigorn.**—**Hoveden**) ; he was afterwards banished.

1051 **RAULF**, Earl, about this time, having been restored to his Earldom by the Confessor.

1057 Death of Earl **RAULF**¹⁵.

Post festum Sancti *Martini*, *Daniscum* Comitem *Hacum*, qui nobilem matronam *Gunnildam*, sororis suæ et *Wicgeorni* Regis *Winidorum* filiam in matrimonio habuit, quasi legationis causâ in exilium misit. Timebat enim ab illo vel vita privari vel regno expelli. (*Flor. Wigorn.* *Sim. Dun.* *Flores. Hist.*)

The Saxon Chronicle omits the statement, but mentions the death of the doughty Earl in the following year. *Sim. Dun.* adds, that some say he was killed in the *Orcades*. *Haco* was doubly allied to *Canute*, as his nephew and as the husband of his niece.

CNUT Rex salutat *Leofswinum* Episcopum, et *Hacum*, Comitem, et *Leovricum*, Vicecomitem, et omnes Barones in *Wyrecestrescire* amicabiliter. Et ego manifesto vobis, quod ipse concedo *Brihtwyno* meo Baroni illas quinque hydas apud *Benyngwurthe* in suis diebus, propterea quod ipsa terra ad meam manum fuit forisfacta. Nunc habet ipse meam amicitiam adquisitam, sicut nos concordamus, ea conventionem ut post suos dies eat ipsa terra in sancto monasterio de *Evesham*, illis Dei servis ad victum semper in perpetuum. Et si quis hoc perverterit habeat sibi cum Deo iudicium et cum Sancta Maria et cum omnibus Sanctis ante Dominum in die iudicii. Valete. (*Bib. Cott. Vesp. B. xxiv. 30.*)

Haco appears as a member of the Witenagemot in the following charter:—

Ego *CNUT*, Rex totius *Albionis* insulæ aliarumque nationum plurimarum, in cathedra regali promotus, cum consilio et decreto Archiepiscoporum, Episcoporum, Abbatum, Comitum, aliorumque omnium meorum fidelium

Ego *CNUT* Rex gentis *Anglorum* aliarumque nationum nichilominus hoc privilegium jussi componere et compositum cum signo *Dominicæ crucis* confirmando impressi. Ego *Alfgifa*, Regina, omni alacritate mentis hoc confirmavi. Ego *Uulstanus*, Archiepsc. consensi. Ego *Adelnodus*, Archiepsc. confirmavi.

Ego *Godwinus*, Episc. corroboravi. Ego *Alfwinus*, Episc. assensum dedi. Ego *Alfsinus*, Episc. consignavi. Ego *Athericus*, Episc. conclusi. Ego *Alfwinus*, Episc. roboravi. Ego *Brihtwaldus*, Episc.

Ego *Iric*, Dux. Ego *Godwinus*, Dux. Ego *Ulf*, Dux. Ego *Eglaf*, Dux. Ego *Hacum*, Dux. Ego *Leofwinus*, Dux. Ego *Godricus*, Dux.

Ego *Oslucus*, Miles. Ego *Thored*, Miles. Ego *Thurkill*, Miles. Ego *Thrym*, Miles. Ego *Brosor*, Miles. Ego *Alfricus*, Miles. Ego *Alfwynus*, Miles.

Ego *Leofricus*, Abbas. Ego *Alfwardus*, Abbas. Ego *Athelstanus*, Abbas. Ego *Alfsius*, Abbas. Ego *Leofwinus*, Abbas. Ego *Wulfredus*, Abbas. Ego *Ofkytelus*, Abbas.

Ego *Alfwinus*. Ego *Alfricus*. Ego *Leofsius*. Ego *Leofricus*. (*Dug. Mon. Vol. III. p. 138.*)

¹⁴ In the printed text he is called *Rona*, by mistake for *Rou*, or *Raou*.

¹⁵ *Ralph* has been considered as Earl of *Hereford*, and he is called "*Comes Herefordensis*" by *Malmesbury* (II. 13), but *Hereford* was at that time included in *Sweyne's* Earldom, and the texts (*Flor. Wigorn.* &c. 1055) upon which this opinion is founded, only say that the "*timid Duke Ralph*" met *Algar* and his Welsh allies within two miles of the city of *Hereford*. The exile of Earl *Ralph* is stated in the *History of Ramsey*. He obtained a *præstaria*, *Læn* or Loan of certain lands belonging to the monastery. The history of the transaction may be compared with the preceding examples. (see p. cciv. &c.)

.....Postquam igitur laboris sui, Abbas *Alfwinus* votivo gaudens proventu, in prædictorum de Regis beneficio missus est possessionem prædiorum. Comes quidam *Radulphus* nomine, *Normannus* natione, quem Rex *Edwardus*, de tædiosi latibulis exilii olim revertens, secum in *Angliam* adduxerat, sicut in quodam cyrographo vetustissimo *Anglice* scriptum reperimus, ab Abbate et Fratribus *Ramesiensibus*, villam de *Craucfeld* in vita sua tenendam postulavit. Videntes itaque abbas et fratres nobilitatem viri, et eum in domo Regis, et in tota curia, inter cæteros honoratos plurimum posse perpedentes, ex licentia Regis præfatum ei manerium, nomine ecclesiæ, sicut petierat, tenendum sub ea conditione concesserunt, ut eo defuncto, ecclesia *Ramesiensis*, jus suum libere cum instauramento, et omni melioratione, nullo prohibente reaciperet, et de terra ejusdem comitis *Cherletonam* et *Brunstanethorp* pro anima ipsius in perpetuam eleemosynam possideret. In hæc vota coram Rege partes alterutræ convenerunt, et sub multorum testimonio hoc inter se fœdus, facto triplici chirographo, firmaverunt, una pars scripti, jubente Rege, in ejus Capella cum reliquiis, quas habebat, sanctorum remansit, alteram comes, tertiam vero fratres apud se in pignus securitatis retinuerunt: hæc ergo universa eorundem indicio cyrographorum, quæ *Anglice* exarata, et pene vetustate invenimus consumpta, utrumque cognoscentes, huic opusculo non incongrue, ad lectoris notitiam, censuimus inserenda. Quomodo autem omnes has terras præter *Craucfeld* solam, amiserimus, nec scripti nec alicujus relatoris habuimus documentum; ut tamen creditur, in adventu *Normannorum* alienigenis aliena licenter invadentibus, in alienæ sortem hæreditatis omnes sorte nobis flebili concesserunt. (*Hist. Rams. p. 458.*)

HEREFORD, or HECANA.

HEREFORD.

This Province seems to have constituted the Kingdom of
— MERWALD, the brother of WULFHERE (p. cclxxviii.)
Sanctus Merwallus West-Hecanorum Rex. (Flor. Wigorn. 691.)

MERWALD.

1056 Alfnoth, Scir-gerefa or Sheriff of Hereford.

WARWICK.

WARWICK.

Edgar. 962 Huva, or Uva the White, or Fair, Vicecomes of Warwick about this time¹⁶.

Huva.

CHESTER and COVENTRY¹⁷.

CHESTER and
COVENTRY.

— LEOFRIC I.¹⁸

LEOFRIC I.

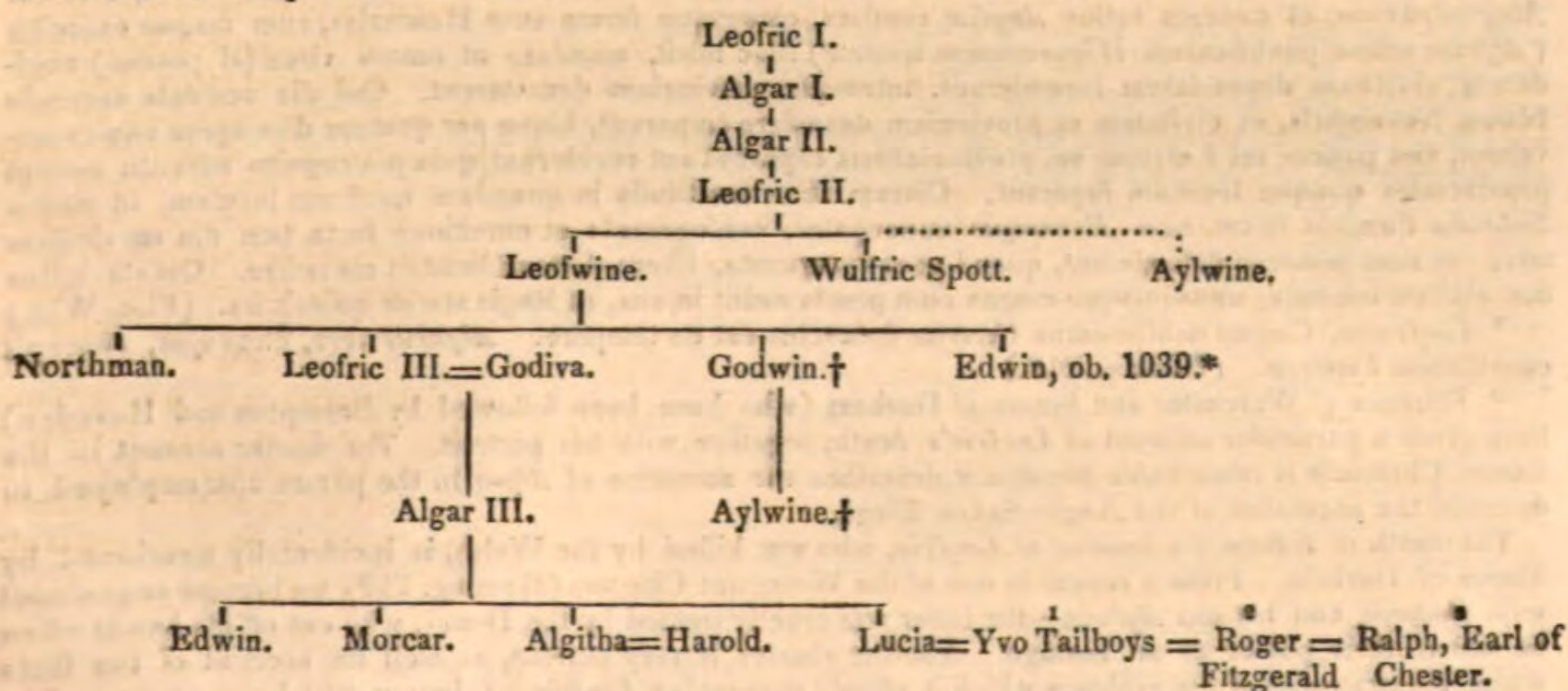
¹⁶ By the name and style of "*Uuathewede Vicecomes Warwiche*," he makes a grant to *Evesham*,—"consentiente Domino meo *Eadgaro*." (Bib. Harl. 3763.) A note in the margin of the manuscript, "*Huva Vicecomes Warevic*," leads to the division of the epithet from the name, though the orthography of the latter is uncertain. The same chartulary contains a charter granted by "*Ceolred*," concerning lands "in plaga *Warwicensi*,"—perhaps the earliest notice of the province.

¹⁷ These princes were bounteous benefactors to the monastery of Coventry, as well as to other churches, and the materials of their history are principally found only in connexion with the history of these foundations. To a manuscript of Florence of Worcester, quoted by Dugdale (Mon. III. 192) as belonging to the Archbishop of Armagh, is appended their genealogy. The earlier descents are somewhat dubious—the subsequent portion is more trustworthy—there is so little improbability in the marriage of Lucia, the last heiress of the line, with a Norman noble, that I am not inclined to throw any doubt upon the statement. The author of the genealogy appears to have used the same materials as the chroniclers of Croyland and Peterborough.

I am afraid that the historical reputation of Leofric III. has been somewhat damaged by Peeping Tom; but the earlier writers know nothing of the adventures of the fair Godiva. From the insertion of the story in Brompton (p. 949) and Knyghton (p. 2223), we can only ascertain that the tale was current at an early period, and that it did not lose ground in public estimation. "In memory of this fact furthermore," says Dugdale, "the pictures of Earl Leofric and his wife were set up in a south window of Trinity Church, Coventry, about the time of Rich. II.; the Earl holding a charter in his right hand, upon which was written,

"I Leurich, for love of thee,
"Doe make Coventry toll free."

But notwithstanding this venerable testimony, it may be questioned whether the franchise would have stood the test of a *quo warranto*.



¹⁸ *Leuricus Comes Leycestrie* appears as one of the magnates whose signatures are affixed to a charter purporting to have been granted by Ethelbald. (Ingulphus, p. 7.) Like the other Croyland charters, the text of this instrument is liable to great suspicion.

* Sim. Dun. 186.

† Hem. 259.

MERCIA.

- ALGAR I. — ALGAR I. son of Leofric I.
 ALGAR II. — ALGAR II. son of Algar I.
 LEOFRIC II. — LEOFRIC II. son of Algar II.
 LEOFWINE. — LEOFWINE, son of Leofric II.
 NORTHMAN. 1017 } NORTHMAN killed by the orders of Canute; he is succeeded by his brother,
 1018 } LEOFRIC¹⁹.
 LEOFRIC III. — LEOFRIC III. favoured by Canute, and acquires great power and influence from his wealth and from his party—married to *Godiva*, said to be the daughter of *Thorold*, "Vicecomes" of *Lincoln*. LEOFRIC is styled Comes of *Hereford*²⁰, of *Chester*²¹, and of *Mercia* (p. ccxvi), and it is possible that he did possess the supremacy of the whole of ancient *Mercia*, and that the Earls of the other portions were subordinate to him.
 1035 HAROLD *Harefoot* raised to the government of all England, by the influence of LEOFRIC and the Thanes north of the Thames.
 1041 LEOFRIC assists in punishing the citizens of Worcester²¹.
 1047 } Earl LEOFRIC opposes the grant of 50 vessels to Sweyne, advised by Earl Godwin.
 1048 }
 1051 Earl LEOFRIC summoned to assist Edward with all his forces.
 1057 Sept. 30.—Death of Earl LEOFRIC—succeeded in his government by his son²².
 ALGAR III. — ALGAR III.²³
 1058 ALGAR is outlawed by Edward the Confessor—recovers his Earldom by the help of GRIFFITH²⁴ of Wales and the Northmen—he died some time before 1065, when we find
 EDWIN. 1065 EDWIN his son in possession of the Earldom.
 1066 EDWIN²⁵ submits to William the Conqueror, and does fealty to him.
 EDWIN slain in the Isle of *Ely*.

¹⁹ The Saxon Chronicle calls him *Northman*, the son of *Leofwine*. Sim. Dun. adds, that he was the brother of *Leofric*. *Frater scilicet Leofrici Comitum*—he then proceeds—*Leofricum pro Northmanno suo germano Rex constituit Ducem et eum postmodum valde carum habuit*.

²⁰ See Malm. *ut supra*, p. cclvii.

²¹ Hoc anno Rex Anglorum *Hardecanutus* suos *Huscarlos* misit per omnes regni sui provincias, ad exigendum quod dixerat tributum. Ex quibus duos, *Feades* scilicet et *Thurstanum*, *Wigornenses* provinciales cum civibus seditione exorta, in cujusdam turris *Wigornensis* monasterii solario, quo celandi causa confugerant, quarta nonas Maii, feria secunda, peremerunt. Unde Rex ira commotus, ob ultionem necis illorum, *Thurum Mediterraneorum*, *Leofricum Merciorum*, *Godwinum Westsaxonum*, *Siwardum Northimbrorum*, *Rouum Magesitensium*, et cæteros totius Angliæ comites, omnesque ferme suos *Huscarlos*, cum magno exercitu (*Alfrico* adhuc pontificatum *Wigornensem* tenente) illuc misit, mandans ut omnes viros (si possint) occiderent, civitatem deprædatam incenderent, totamque provinciam devastarent. Qui die veniente secundo Iduum Novembris, et civitatem et provinciam devastare cœperunt, idque per quatuor dies agere non cessaverunt, sed paucos vel è civibus vel provincialibus ceperunt aut occiderunt, quia præcognito adventu eorum provinciales quoque locorum fugerant. Civium vero multitudo in quandam modicam insulam, in medio *Sabrinæ* fluminis sitam, quæ *Beveregæ* nuncupatur, confugerant: et munitione facta, tam diu se viriliter adversus suos inimicos defenderant, quoad pace recuperata, libere domum licuerit eis redire. Quinta igitur die, civitate cremata, unusquisque magna cum præda rediit in sua, et Regis statim quievit ira. (Flor. Wig.)

²² *Leofricus*, Consul nobilissimus *Cestriæ* defunctus est eo tempore. *Algarus* vero, filius ejus, suscepit consulatum *Cæstriæ*. (Hunt. p. 210.)

²³ Florence of Worcester and Simon of Durham (who have been followed by Brompton and Hoveden) have given a particular account of *Leofric's* death, together with his portrait. The shorter account in the Saxon Chronicle is remarkable because it describes the accession of *Algar* in the phrase also employed to describe the accession of the Anglo-Saxon Kings.

The death of *Edwin* the brother of *Leofric*, who was killed by the Welsh, is incidentally mentioned by Simon of Durham. From a recital in one of the Worcester Charters (Heming. 259) we become acquainted with *Godwin*, and his son *Aylwin*—the latter was cruelly treated by the Danes, who cut off his hands when he was in their power as an hostage. Another charter is very curious, as well on account of the facts which it narrates, as of the evidence which it affords concerning *Leofric*. (Hem. p. 261.)

²⁴ *Algarus* Comes *Merciorum* a Rege *Edwardo* secundo exlegatus est. Sed Rex *Walanorum*, *Griffini* juvamine et *Norreganicæ* classis amminiculo, quæ ad illum venerat ex improvise cito per vim, suum comitatum recuperavit. (Flor. Wigorn. Sim. Dun.)

²⁵ Malmesbury intimates that *Edwin* was associated to his brother in the Earldom of Northumbria.

LANCASTER?

LANCASTER?

1010 *WULFRIC*, otherwise *Wulfric Spott*²⁶, "Consul ac Comes Merciorum."

WULFRIC.

SALOP.

SALOP.

1006 The noble Duke *ALFHELM* assassinated at *Shrewsbury* by *EDRIC STREONA* (Flor. Wigorn.) He appears to have been a person of great dignity, perhaps the "Cognatus" of *WULFRIC SPOTT*, and a devisee under his will. *EDRIC STREONE* himself has been called "*Comes Salopiæ*." (Brompton, p. 906.)

ALFHELM?

STAFFORDSHIRE.

STAFFORDSHIRE.

— *LEVEN*, or *LEOFWINE*, Earl of this Shire²⁷.

LEOFWINE.

OXFORDSHIRE.

OXFORDSHIRE.

735 *AIDAN*, or *DIDANUS*, father of St. Fritheswida, Subregulus of Oxford²⁸.

AIDAN.

— Included in the Earldom of *GURTH*²⁹, brother of *HAROLD*.

GURTH.

GAINSBOROUGH.

GAINSBOROUGH.

868 *ETHELRED*, "Comes Gainorum," of the royal line of *Mercia*—his daughter, *Ealswitha*, married to Alfred. (Asser.)

ETHELRED.

903 Death of *ETHELWULF*, or *ATHULF*, son of the preceding³⁰.

ETHELWULF.

²⁶ This munificent founder of the Abbey of Burton-upon-Trent was killed at Ipswich, in battle with the Danes, October, 1010, and buried in the monastery. In the Saxon Chronicle, Simon of Durham, &c. he is described as "*Wulfric*, the son of *Leofric*." The Chronicle of Burton (Mon. III. 47) speaks of his brother, the Duke *Ailwine*, and his relation, the Comes *Morkar*. Without doubt this narrative was compiled from the Obituary of the House; but it is possible that the transcriber may have confused the descents. A *Morkar* is a devisee in *Wulfric's* will (Mon. III. 37), and it appears, from the same document, that *Wulfric* was the godfather of *Morkar's* daughter by his wife *Eadgitha*. *Wulfric* was possessed of the land between the *Ribble* and *Mersey*, probably the Wapentakes of *West Derby* (often confounded in records with Derbyshire), *Salford* and *Lelandshire*, and of very large domains in the counties of Nottingham, Derby, Stafford, Warwick, and Leicester, and he had also some lands in York. The title which I have ascribed to him is conjectural. His will (Monasticon, *ut supra*) is a singular and important document, requiring much topographical and legal illustration. Dugdale's translation is not particularly accurate. The testator bequeaths certain lands between *Ribble* and *Mersey*, and in *Werehall*, to *Elfhelme* and *Wulfsige*, to be equally divided between them, upon the following condition:—"On þæt gerad ðonne sceadd-genge sy, ðæt heora ægðer sylle ðreo thousand sceadda into thære stowe at Byrtune." That is to say, that each of them shall pay three thousand sceattas to the monastery of Burton, when the *scot* or *sceat* is imposed upon, or is payable by the land. This charge is interpreted by Dugdale, as a render of so many thousand skates whenever the skate-fishery shall take place.

²⁷ Writ addressed to him and *Leven* the Bishop, by the Confessor. (Mon. III. 420.)

²⁸ The Life of St. Fritheswida, John of Tinmouth, and the Register of Osney, and the other narratives concerning St. Fritheswida, all concur in describing her father as above. Her mother is called *Saffrida*.

(Mon. III. p. 149.)

²⁹ Mon. I. 103, 297.

³⁰ Strenuissimus Dux *Athulfus*, *Eahlswithæ* Reginae germanus. (Flor. Wigorn. Sim. Dun.)

MERCIA.

Honour of Gloucester.

HONOUR of GLOUCESTER.

- 930 *AILWARD, ALRED, or ETHELRED*, surnamed *Sneaw*, from his fair complexion, a benefactor of Tewkesbury, succeeded by his son
- ALGAR.* — *ALGAR.*
- BRICTRIC.* 1066 *BRICTRIC* (son of *ALGAR*) also surnamed *Snaw*, killed, as it is said, by the procurement of *Matilda*, the wife of the Conqueror³¹.

- 1051 *SWEYN*, son of Earl *GODWIN*, the grandson of *Egilmar*, brother of *EDRIC STREONA*, Earl of the Shires of *Oxford, Gloucester, Hereford, Somerset, and Berks*³². (p. cclx.)

LINCOLN.

LINDISSE, or LINCOLN.

- BLECCA.* 628 *BLECCA*, "Præfect" of the City of Lincoln, and Chieftain of the "gens Lindisfarorum" about this time³³.
- EGGA.* 716 *EGGA*³⁴.
- ALGAR I.* — *ALGAR* the Elder³⁵.
- ALGAR II.* — *ALGAR* the Younger³⁵.
- GODWIN.* — *GODWIN*, Ealdorman of Lindisige, killed in the great battle of Assingdone.
- Osgod.* 1016 *Osgod*, Vice-Dominus of Lincoln³⁵.

BRUNNE in Lincolnshire.

BRUNNE, in LINCOLNSHIRE.

- Morcar.* 870 *Morcar*, Lord of Brunne³⁵.

NORTHAMPTONSHIRE.

NORTHAMPTONSHIRE.

- Wulsib. Northman.* — *Wulsib* and *Northman*, Scire-gerefas³⁶.

³¹ See *Lel. Coll.* Vol. I. p. 78, and the *Chronicle of Tewkesbury*, Bib. Cott. C. III. (*Monasticon*, III. 59.) Disappointed love is said to have been the cause of *Matilda's* ire. She had courted *Brihtric*, when he had been despatched upon important affairs to foreign parts. William, the *Chronicle* proceeds, granted the Honour of Gloucester to *Matilda* for her life, and upon her decease it reverted to the crown. In process of time it was granted by William Rufus to Robert Fitz-Hamo, with all the rights and liberties by which *Brihtric* had held the same. "Iste *Willielmus* processu temporis, dedit honorem *Brictrici*, *Roberto* filio *Hamonis* cum libertate et integritate quibus pater suus vel etiam ipse *Brictricus* unquam tenuerunt." This account is in some degree confirmed by *Domesday*, where it appears that *Brictric*, the son of *Algar*, held Avening, Tewkesbury, Fairford, Thornbury, Whithurst, and various other possessions in Gloucestershire, which had been afterwards granted to *Matilda*. (*Domesday* I. 161, &c.) The style of "Comes" is not given to him in the record, but its silence is not conclusive against his possession of the dignity.

³² This dismemberment of Mercia, with the addition of a portion of Wessex, appears to have been erected into an Earldom in favour of *SWEYNE*, as we do not find the same union at any earlier or later period.

³³ His rank is ambiguously described by Bede:—

Prædicabat autem *Paulinus* verbum etiam provinciæ *Lindisse*, quæ est prima ad meridianam *Humbra* fluminis ripam pertingens usque ad mare. Præfectum *Lindicolniæ* civitas cui nomen erat *Blecca* primum cum domo sua convertit ad dominum. (II. 16.)

The descent of the "prosapia *Lindisfarorum* from *Eanferth*," sixth in succession from *Woden's* seventh son, is stated by Florence in his *Genealogies*.

³⁴ Ingulphus—but his testimony on this, and all other occasions, is doubtful.

³⁵ Ingulphus and *Chron. Petroburgh*—the two *Algars* are apparently the Mercian Princes.]

³⁶ Writ of Edward the Confessor. (*Mon. I.* 300.)

DANISH BURGHS.

DANISH BURGHS.

- 942 The Danish Cities or Burghs, *Lincoln, Nottingham and Derby, Leicester, and Stamford*, are reduced by *Edmund*. (p. cclxxxiv.)
- 1013 The "*Fifburgenses*," "that folc on fif Burghum," submit to SWEYNE.
- 1015 *SIGFERTH* and *MORCAR*, the sons of *EARNGRIM*, the chief Thanes of the Danish Burghs, slain whilst attending the Witenagemot of Danes and English, at Oxford³⁷. *Edmund Ironside* compels the Burghs to submit to him³⁸.

³⁷ 1015 Magnum apud *Oxoniam* colloquium, *Anglorum* pariter et *Danorum*, congregatum est. Ubi *Rex Anglorum*, consilio iniqui Ducis *Eadrici*, multos *Danorum* nobiles interfeci mandavit; quasi de regia prodicione notatos, quorum clientes, dum necem dominorum suorum vindicare conarentur, armatorum præsidio repulsi, et graviter insecuto, turrem Ecclesiæ Sanctæ Virginis *Frideswithæ* compulsi sunt introire. Unde, dum ejici nequirent, incendio sunt combusti. Sed mox, rege jubente, ecclesia reconciliata, et reædificata est. Inter alios interfecti fuerunt *Sigeferthus*, et *Morcharus* Comites *Northanhumborum*, filii *Earngrim*, quos iniquus Dux *Eadricus*, ad convivium invitatos, et in triclinium suum, dolo susceptos, necari fecit. Deinde *Rex, Aldgitham, Sigferthi* Comitum uxorem, apud *Malmesberiam* adduci, et ibi custodiri præcepit, sicut fœminam spectabilis nobilitatis. Quæ cum ibidem custodiretur, venit illuc filius Regis *Eadmundus*, quem gens *Anglorum* propter magni roboris mentis simul et corporis strenuitatem, *Ironsides*, id est, Latus ferreum, nuncupabant, et contra patris conscientiam, illam in uxorem accepit, et inter assumptionem, et nativitatem beatæ Mariæ, in *Northanhumbriam*, cum uxore sua profiscicens, terram totam, quæ fuit *Sigferthi*, et *Morcheri* Comitum invasit, atque illorum sibi populum subjugavit. (Flores Hist.)

Apud *Oxeneford* magnum concilium est congregatum, *Danorum* et *Anglorum*, ubi *Rex* nobilissimos *Danorum Sigferdum* et *Morcardum*, interfeci jussit, delatione proditoris *Edrici* perfidiæ apud se insimulatos. Is, illos, favorabilibus assentionibus deceptos, in triclinium pellexit, largiterque potatos, satellitibus ad hoc preparatis anima exuit. Causa cædis ferebatur, quod in bona eorum inhiaverat; clientuli eorum, necem dominorum suorum vindicare conantes, armis repulsi et in turrim Ecclesiæ Sanctæ *Frideswidæ Oxoniæ* coacti: unde dum ejici nequirent, incendio conflagrati sunt. Sed mox Regis pœnitentia eliminata spurcitia sacrarium reparatum est. Legi ego scriptum, quod in archivo ejusdem ecclesiæ continetur index facti. Uxor *Sigferdi, Malmesburiam* in captionem est abducta, spectabilis nobilitatis et formæ fœmina, quapropter *Edmundus* Regis filius, dissimulata intentione in partes illas iter arripiens visam concupivit, concupitæ communionem habuit. Sanè patris eludens conscientiam, qui domesticis et alienis esset ridiculo. Erat iste *Edmundus* non ex *Emma* natus, sed ex quadam alia, quam fama obscura recondit. Præter istud, integer in cæteris predicandæ indolis juvenis, magni roboris, et animo et corpore, et propter hoc ab *Anglis, Ironsides*, id est, Ferreum latus, nuncupatus, qui patris ignaviam, matrisque ignobilitatem, virtute sua probe premeret, si *Parcæ* parcere nossent. Nec mora nuptæ consilio, comitatum *Sigferdi*, qui apud *Northanimbro*s amplissimus erat, a patre petatum, nec impetratum suapte industriæ vendicavit: hominibus ejus provinciæ in obsequium ejus facilè cedentibus. (Malm. de Gestis.)

Hoc anno, cum apud *Oxenefordam* magnum haberetur placitum, perfidus Dux *Edricus Streona*, digniores et potentiores ministros ex *Seouenburgensibus, Sigferthum* et *Morcarum* filios *Earngrimi*, in cameram suam, dolose suscepit, et occulte eos ibi necari jussit: quorum facultates *Rex Æthelredus* accepit, et derelictam *Sigferthi, Aldgitham*, ad *Maidulfi* urbem, deduci præcepit. Quæ cum ibi custodiretur, venit illuc *Eadmundus* Clito et contra voluntatem sui patris, illam sibi uxorem accepit, et inter assumptionem et nativitatem Sanctæ Mariæ profectus ad *Fifburgingos*, terram *Sigferthi* et *Morcari* invasit, ac populum illorum sibi subjugavit. (Flor. Wigorn.)

³⁸ The account of the reduction of the Five Burghs is the first notice which we possess of their history. It is evident that Edmund did not displace the Danish Thanes, who continued as the principal, though not the sole inhabitants of the Burghs, till the era of the Conquest. There is some uncertainty about the appellations of the Five and Seven Burghs, which, as appears from the above quotation, were applied indifferently to denote them. *York* and *Chester* made up the number. It is most probable that this Federation originally consisted of five, and that when two others were added, they continued to be generally called by their nominal number, and sometimes by their real one. The Cinque Ports afford a familiar example of the retention of an appellation derived from number, after it has ceased to be strictly appropriate.

There was a Court or "Thing" held for the Five Burghs, and Peace given in the same by the Ealdorman and the King's Gerefæ, was compensated by the heaviest penalty.—*þat griþ þat se Ealdormann and Cynges Gerefæ on Fif Burgha gefineþa sylle, bete man þat mid xii hund.* (*Ethelred*, apud *Wilkins*, p. 117.)

LINCOLN (CITY.)

Edward the Confessor.

LINCOLN. (CITY.)

*The Twelve Law-men of the City in the reign of the Confessor*⁸⁹.*Hardecnute.**Swartinc, the son of Grimbold.**Ulf, the son of Swertebrand.**Walraven.**Alwold.**Brictric.**Guret.**Ulbert.**Godric, the son of Eddeva.**Siward, Presbyter.**Lewine, Presbyter.**Aldene, Presbyter.*

William the Conqueror.

*The Twelve Law-men at the time of the Domesday Survey.**Swardinc, in the place of his father, Hardecnute.**Swartinc, son of Grimbold, as before.**Sortebrand, in the place of his father, Ulf.**Agemund, in the place of his father, Walraven.**Alwold, as before.**Godwin, the son of Brictric, in the place of his father.**Normannus Crassus, in the place of Guret.**Ulbert, as before.**Petrus de Valoignes, in the place of Godric, the son of Eddeva.**Ulfnod (Presbyter), in the place of Siward.**Burwold, in the place of his father, Lewine, who had become a monk.**Ledwine, the son of Rawene, in the place of Aldene, Presbyter.*

In the reign of the Confessor an individual appears designated as *Wigodus de Lincolnia*, perhaps as Prefect or Gerefa of the City⁹⁰.

⁸⁹ The individual described as *Wigodus* of *Lincoln* in the following charter, may have been a Thane from that town, attending in the same manner as Syferth and Morcar had done.

In onomati summi Kyrios omnia jura regnorum gubernantis, et ab alto cœli fastigio cuncta cernentis, ego EDWARDUS, totius Albionis, Dei moderamine gubernatione Basileus

HUNTINGDON.

HUNTINGDON.

1055 TOSTIG, of Danish race, killed by SIWARD, Earl of Northumbria, to whom his Earldom is granted by the Confessor ⁴⁰.

TOSTIG.

— SIWARD.

SIWARD.

— WALTHEOF, said to be Earl of Huntingdon ⁴¹.

[WALTHEOF?]

Scripta est namque hæc scheda, me jubente, et sigillata, his testibus, quorum onomata infra habentur consentientibus, secundo Kalend. Decemb. Ego Edwardus Rex, Deo largiente, Anglorum, signum venerandæ crucis impressi. Ego Stigandus, Archiepiscopus, concessi, et confirmando, signo sanctæ crucis consignavi. Ego Ethelredus, Archiepiscopus, gratanter corroboravi. Ego Wlfstanus, Episcopus, vexillo sanctæ crucis prænotavi. Ego Gyso, Episcopus, consentaneus fui. Ego Walterus, Episcopus, consensum præbui. Ego Reinbaldus, Cancellarius, consigillando commodum duxi. Ego Switgarius, Notarius, scripsi. Ego Aelsius, Abbas. Ego Edwinus, Abbas. Ego Egelwinus, Abbas. Ego Baldewinus, Abbas. Ego Alwinus, Abbas, hoc meum desiderium ad perfectum adduxi, et a rege hilariter suscepi. Ego Leofricus, Dux. Ego Haroldus, Dux. Ego Leofwinus, Dux. Ego Edwinus, Dux. Ego Hugelinus, Cubicularius. Ego Edgarus, Stallere. Ego Robertus, fil. Wittman. Ego Wigodus de Lincolnia.

(Mon. Vol. II. pp. 559, 560.)

⁴⁰ Bromton, p. 946. Siward is addressed as Earl by Edward. (Hist. Rams. 455.)

⁴¹ According to the very dubious authority of Snorro, III. 154.

Vol. I. 2q

EAST ANGLIA.

EAST ANGLES.

[497?] Pagans said to have landed in the country afterwards called East Anglia about this time¹. (Flor. Wigorn.)

UFFA. 571 } UFFA, or WUFFA, first King of the East Angles, and from whom the dynasty
578 } acquired the name of *Uffingas*. (H. Hunt. Flores Hist.)

TYTILA. 586 TYTILA the son of UFFA. (Flores Hist.)

Redwald. — Redwald, the son of TYTILA², acquires great power—becomes *Bretwalda* or Emperor of all Britain, south of the Humber³.

EORPWALD. 624 EORPWALD, son of Redwald, succeeds on the death of his father, but is probably subjected to the supremacy of *Northumbria*.

627 } EORPWALD slain by *Ricbert*—an Interregnum of about three years follows.
628 }

SIGBERT. 631 SIGBERT, son of Redwald, half-brother of EORPWALD, returns from Gaul—succeeds to the Kingdom, *Egrice*, brother of Redwald, ruling a portion thereof.

EGRICE. 633 SIGBERT resigns his crown, and becomes a monk, upon which EGRICE succeeds to the whole of *East Anglia*.

PENDA invades *East Anglia* with a large army, and the *East Angles*, finding themselves much inferior to their enemies, implore *Sigbert* to come forth from his monastery and aid them. He refuses—they drag him into the field by main force: but he will not act contrary to his calling, and remaining in the battle with a white wand in his hand, he and EGRICE are both slain.

ANNA. 633 ANNA, the son of *Eni*⁴, the brother of Redwald, succeeds to the Kingdom.

654 ANNA slain by PENDA. He is succeeded by his brother, *ÆDILHERE*, or *ETHELHERE*⁵, who submits to the conqueror, and joins his forces against the *Northumbrians*, and, until the reign of *Egbert*, the country appears to have been subjected to *Mercia*.

ETHELHERE. 655 ETHELHERE killed by *Osric* in the battle of the *Winwid*.

AEDILWALD. 660 AEDILUALD, or ETHELWALD, brother of ANNA, King of *East Anglia* about this time.

ALDUULF. 680 ALDUULF⁶, son of ETHELHERE, about this time. He is succeeded by

ALFWOLD. — ALFWOLD, brother of ALDUULF. (Malm. Flor. Wigorn.)

[SELRED?] 747 Death of SELRED, King of *East Anglia*⁷.

¹ An uncertain date. According to Malmesbury, the first occupation of *East Anglia* took place between the foundation of *Kent* and *Wessex*; it is also stated to have been contemporaneous with that of *Mercia* (p. cclxvii.) It is possible that some of the Saxon tribes continued stationed on this part of the Saxon shore from the period of their invasions under the Romans (p. 386.)

² erat autem Rex Redwald filius Tytili cujus pater fuit Uffa, a quo Reges Orientalium Anglorum Uffingas appellant. (Bede, II. 15). In common speech, the *Uffingas* were called "Fikeys,"—Incepit Regnum Orientalium Anglorum sub Uffa, a quo omnes Orientales Anglos Uffingas vocamus, quos nunc Fikanos, seu Fikeys appellamus. (Higden, lib. V.) This passage is very curious, because it shows that when the *Polychronicon* was compiled, the memory of the ancient races was still fresh amongst the common people. Higden gives a common colloquial term. The principal facts relating to the early history of *East Anglia* will be found in Bede, II. 15. III. 7, 18, 19, 24.

³ Redwald flourished during the reign of Ethelbert, and appears to have obtained the dignity of *Bretwalda* upon the death of the latter, in 616.

⁴ Bede. Filius *Eni*, de regio genere. That *Eni* was the brother of Redwald is ascertained by the genealogies appended to Florence of Worcester (p. 690.)

⁵ Flor. Wigorn.—Flores Hist.

⁶ The coins of *Aldulf* are remarkable for their legend—"Victuria Adulfi." (Camden, pl. I. No. 20.)

⁷ *Selred*, *Est-Anglorum* Rex, obiit. (Mailros—Hunt.) In the greater part of the authorities he is called King of the *East Saxons* (p. cccv.) Mailros and Hunt. may be in error: but it is possible that

PROOFS AND ILLUSTRATIONS.

CCXCIX

EAST ANGLIA.

749 Death of *ALFWOLD*. East Anglia is divided between *HUNBEANNA* and *ALBERT*⁸ or *ETHELBERT*. *HUNBEANNA* and *ETHELBERT*.

758 *BEORN*, about this period. *BEORN*.

— *EDELRED*, or *ETHELRED*. *EDELRED*.

OFFA. 792 *ETHELBERT*, or *AGELBRIHT*, son of *EDELRED*, beheaded by command of *OFFA*⁹; and, until the accession of *Edmund*, the country continues in a state of great confusion, under various *Reguli* and *Tyrants*, sometimes also subject to *Kent*, and sometimes to *Mercia*. (Bromton, p. 754.) *ETHELBERT*.

Egbert, 823 to 836. { 823 } The *East Angles* and their King, whose name is unknown, seek the protection of
836 } *Egbert* against the *Mercians*, and become his men or vassals. *BEORNWULF*
and *LUDICA* of *Mercia* defeated by them (p. ccxxxix. cclxxi.)

855 Dec. 25.—*EDMUND*¹⁰, of the ancient race of the “Old Saxons,” begins to reign¹¹. *EDMUND*.

856 Dec. 25.—*EDMUND* crowned and consecrated at *Burva*¹².

ETHELBERT. 857 *ETHELBERT* said to have succeeded to the dominion of the “*Orientalis Angli*,” (see *Kent*, p. cclxxi), probably to the supremacy of the country.

866 The Danes under *Hingwar* and *Hubba* land in *East Anglia*, where the inhabitants make peace with them.

870 Danes again invade *East Anglia*, and fix their winter-quarters at *Thetford*.—*EDMUND* attacks them, but is defeated and slain by *Hingwar* and *Hubba*.

Selred ruled in both kingdoms, and perhaps *Alfwold* was under his supremacy. In *Flores Hist.* we also find an *Ethelred* (A. D. 743) not noticed elsewhere. Is this a mistake for *Selred*?

⁸ *Elfwald*, Rex *Orientalium Anglorum*, defunctus est, regnumque *Hunbeanna* et *Albert*, sibi diviserunt. (Sim. Dun. de Gestis.—Mailros.) In *Flores Hist.* *Alfwold* is called *Ethelwold*.

His temporibus *Orientalibus Saxonibus*, *Swithredus*; *Australibus Saxonibus*, *Osmundus*; *Orientalibus Anglis*, *Beornus*; Reges præfuerunt. (Flor. Wigorn.)

Regnante *Offa*, *Beorn* regnavit in *East Anglia*, post eum *Edelred* qui de Regina sua sancta *Leofruna* habuit *Agilbrihtum*. (Al. Bev. p. 881.) In such disjointed fragments only has the early history of the minor states been preserved. *Beorn* and *Hunbeanna* have been supposed to be one individual. Bromton gives the name of *Ethelbert* to *Albert*, but I suspect that the latter is the real appellation according to the dialects of *East Anglia*.

⁹ The history of this event is told with many variations. From the expressions employed by *Florence*, *Ethelbert* seems to have been a monarch of great renown.

792 Gloriosissimus ac sanctissimus Rex *Orientalium Anglorum Agelbrihtus*, vero regi Christo bonarum virtutum merito acceptabilis, omnibus blando alloquio affabilis, *Offæ* præpotentis regis *Merciorum* detestanda jussione, suæque conjugis *Cinedrithæ* Reginae nefaria persuasione, regno vitæque privatus est capitis abscissione: sed injuste peremptus terrisque exemptus, magno tripudio angelorum rex et martyr intravit curiam spirituum beatorum. (Flor. Wigorn.)

¹⁰ Sanctissimus, Deoque acceptus *Edmundus* ex antiquorum *Saxonum* prosapia oriundus, fidei Christianæ cultor veracissimus *East Angliæ* provinciæ nactus est culmen regiminis. (Flor. Wigorn.)

Anno Dominicæ Incarnationis 855, *Eadmundus Orientalium Anglorum* gloriosissimus cœpit regnare, viii Kalend. Januarii, id est, die natalis Domini, anno ætatis suæ decimo quarto. (Asser.)

¹¹ These dates are given with so much precision by the Chroniclers, that we cannot refuse to admit but that they were in possession of authentic materials. According to the legendary life of *St. Edmund* (Capgrave) he was the son of *Alkmund*, King of Saxony, and *Siwara*; and Nuremburg is assigned as his birth-place. *Offa*, after the death of *Ecgfirth*, apprehending that his line would fail, appointed this prince, of the old line, as his successor. The outline of the history is not incredible; and as the events of the life of *St. Edmund* are detailed in connexion with places of little general note,—for example, that he landed at *Hunstantone*, or *Hunston*,—the legend seems to be founded upon the traditions of the country. But at the same time they are not preserved in the life of *St. Edmund*, composed by Abbo Floriacensis. (Bib. Cott. Tit. B. iv.)—In this work he is described as “ex antiquorum *Saxonum* nobili prosapia oriundus;” and all the events of his youth are passed over in silence. The origin of this biography is singular. When *Dunstan* was a young man at the court of *Athelstane*, the story was related to him by the sword-bearer of *Edmund*, and Abbo wrote it down from the relation of *Dunstan*. A very curious abridgment of this life in “*Englisc*,” is extant (Bib. Cott. Julius, E. 7), made probably within a short period after the composition of the original. This work is so remarkable for the idiomatic strength of the language, that it would be very desirable to print it in addition to the Latin text.

¹² Anno Dominicæ Incarnationis 856, anno vero regni *Ethelwulfi Occidentalium Saxonum* regis decimo octavo, *Humbertus*, *Orientalium Anglorum* antistes unxit oleo, consecravique in regem *Eadmundum* gloriosissimum, cum gaudio magno et honore maximo, in villa regia quæ dicitur *Burua*, in qua tunc temporis regalis sedes erat; anno ætatis suæ decimo quinto, sexta feria, luna vicesima quarta, die natalis Domini. (Asser, p. 13.)

EAST ANGLIA.

- GUTHRUN I.* 880 } Danes under *GUTHRUN*¹³ (afterwards called *ATHELSTANE*) effect a complete
883 } conquest of *East Anglia*; they divide the land, and settle in the country. About
this time the treaty with Alfred was concluded, and *GUTHRUN* was confirmed in
the possession of *East Anglia*, to be held as a "Læn" of the Crown of Wessex¹⁴.
- GUTHRUN II.* 890 Death of *GUTHRUN-ATHELSTANE*—he is succeeded by *GUTHRUN II.*
- 894 East Anglians¹⁵ submit to ALFRED, but do not keep their engagements.
- [*ERIC?*] 905 The East Anglians submit to *Ethelwald*.—Death of *Eohric* or *Eric*, said to be King
[*ETHELWALD?*] of *East Anglia*, and to have reigned fourteen years. (Malmes.)
- 906 } Treaty or compact concluded between *Edward* and the "East Angles" (p. cclxii),
907 } being probably the treaty now extant¹⁶.
- 918 The native East Anglians submit to *Edward*. The Danes of East Anglia join in
such submission and fealty¹⁷.
- 921 Submission of the "Here," or Host of East Anglia to *Edward*. They become his
men or vassals (p. ccxliii.)
- [*GYTRO?*] — A King *Gytro*, said to have reigned in *East Anglia* under *Athelstane*. (Wallingford.)

Edward,
901 to 924.

The succession of Danish Kings of *East Anglia* having ceased, the country was sub-
jected to Ealdormen—the supremacy continuing vested in the Crown of *Wessex*.

- ATHELSTANE.* 926 *ATHELSTANE*, descended from some one of the royal families, and who probably
obtained *East Anglia* as an appanage—he was considered as associated in the royal
dignity and name, and was therefore commonly called "*Semi Rex*," or "*Half
King*"—Ealdorman of East Anglia about this time. Becomes a monk in Glaston-
bury, leaving four sons—viz. *Ethelwold*, or *Ethelwulf*—*Alfwold*—*Athelsine*—and
Ethelwine, or *Ailwin*¹⁸.

¹³ According to the Danish historians (Suhm. II. *passim*), whom I have followed, there were two of
the name of *Godrun* or *Guthrun* in East Anglia.

The first, was "*Gorm hin rige*," *Gorm*, or *Guthrun*, the Powerful, also called "*Engelandisc*," or the
Englishman, "*Under king*" of Omungar Syssel, a small district in Jutland, and who afterwards acquired
the more extensive dominion of Lethra. From this kingdom he was expelled by Olave the 41st, and the
Danish invasion of Northumbria in 866, took place under his command, when his rule extended only over his
scanty domains in Jutland. After he had obtained *East Anglia*, he surrendered his Danish dominions to
his son "*Harold Klak*."

Guthrun II. son of the King of "*Mære*" in Norway, married to the widow of "*Harold Klak*." He
appears to have lived more on the sea than on the land. He abandoned *East Anglia* soon after his treaty
with Edward, and was slain in the battle of Ponthieu, A. D. 939.

¹⁴ *Datæque sunt ei provinciæ Orientalium Anglorum et Northanhumbroborum, ut eas sub fidelitate Regis,
jure foverat hæreditario, quas pervaserat latrocinio.* (Malm. II. 4.)

"This is the peace declared by King *Alfred* and King *Guthrun*, and all the Witan of 'Angel cyn,' and
all the people which are in East Anglia, and confirmed by oaths, for themselves and for their progeny,
born and unborn..... First to our frontiers upon the Thames, and then on the Lea, and along the Lea to
the river head. Then straight to Bedford, then along the Ouse unto Watling Street."

¹⁵ The expressions "*East Engle*," "*Orientalis Angli*," seem to be often applied, as well to the Danish
settlers as to the natives. (see p. ccxliii.)

¹⁶ "These are the laws agreed upon by King *Alfred* and King *Guthrun*. And this is the treaty which
King *Alfred* and King *Guthrun*, and afterwards King *Edward* and King *Guthrun* (i. e. *Guthrun II.*)
declared and agreed upon when the Danes and the English completely united in peace and friendship.
And the Witan of succeeding times often and frequently renewed the same."

¹⁷ 918. *Interim de East Anglia et Eastsaxonia multi Anglorum (qui ferme triginta annos, feritati
paganorum subjacebant) læto animo se regi subjacebant. Ad quem etiam Dani, East Angliam incolentes,
venerunt, et se mari terraque nil, quod regem offenderet, penitus acturos, sacramento firmaverunt. Venit et
Danorum exercitus de Grantebricga, et illum in dominum et patronum delegit, et hoc juramentis ut ipse
voluit, roboravit.* (Flor. Wigorn.) *Eric*, or *Eohric*, seems to have been a petty chieftain, perhaps holding
a part of the country. Another East Anglian King was slain at Temsford, A. D. 921. (Sax. Chron.)

¹⁸ The exact dates, either of the accession or of the death of *Athelstane*, do not appear; but his resignation
probably took place towards the close of the reign of *Edwy*, or early in the reign of King *Edgar*. It is to
be regretted that the monk of Ramsey, in compiling the sketch of *Athelstane's* biography from which the
following passages are extracted, did not speak with more precision. The sons of *Athelstane* seem to have
been invested with appanages in the lifetime of their father.

— *ÆTHELWOLD*, Duke of the East Angles, killed by direction of *Edgar*.¹⁹ *ÆTHELWOLD*.

— *AILWIN*, or *ETHELWIN*, Ealdorman or Duke of East Anglia, and also Ealdorman of all England.²⁰ *AILWIN*.

975 *AILWIN*, noticed as one of the Primates concerned in the important transactions arising upon the accession of *Edward* the Martyr—becomes the leader of the party opposed to *ÆLFERE*, Duke of Mercia—prevents the expulsion of the monks, and raises a great army for the purpose of defending the monasteries of East Anglia.²¹

992 Death of *ETHELWINE*, or *AILWIN*.

Jam vero quia propositæ narrationis id deposcit utilitas, ad inclyti quondam ducis *Æthelwini* advocati nostri genus declarandum articulos cum calamo convertamus. Breve siquidem et studii ipsius nobis adauget materiam, et inchoati operis propectum præparat et proventum. Fuit in diebus *Æthelstani* totius olim Angliæ Basilei, quidam *Orientalium Anglorum* Dux, regis dignitatis consors et nominis, ab atavis regibus præclara ingenuæ successionis linea transfusus, cui innatæ devotio liberalitatis apud conterminales multam gratiam comparavit, apud hostes patriæ nonnullam virtus bellica invidiam generavit. Qui, quia et nobilitate naturæ, et opum affluentia terrenarum et prudentia seculari, celebri æstimatione reddebatur insignis, præcipue vero quia ipsi Regi adeo officiosa erat ejus impensa sedulitas, ut ad arbitrium ipsius cuncta regni negotia tractarentur, idcirco ab universis *Æthelstan Half-hyng*, quod est "Semirex," dicebatur. Is, cum in fortioris adolescentiæ robur devenisset ob amorem sobolis procreandæ, uxorem sibi quandam *Alfwen* nomine, tam generositate natalium quam non illepidæ spei gratia, thoro suo congruentem, maritali dotavit connubio. Hæc postea inclytum regem *Edgarum*, tenerum adhuc in cunis puerum, sedulitate materna nutrit et educavit. Qui postmodum debito sibi hæreditaria sorte, totius Angliæ regimine suscepto, nutricis suæ acceptis beneficiis non ingratus, villam de *Weston* eidem regali munificentia largitus est, quam filius ejus *Aldermannus* postea, matre necessitudine naturæ è medio sublata, *Ramesiensi* Ecclesiæ in perpetuam elemosynam pro ejus anima condonavit. Hac igitur præfato viro nupta et fecundata quatuor filiorum distincto nascendi ordine, ad flumen usque ad mare, se extendens, pulcra germinavit propago. Nam cum in gratiam omnium adolescerent et favorem, usque ad remotiores patriæ fines multæ causæ celebrem, juvenibus notitiam contulere, eorumque mores ingenuos ultro tam prudentiæ quam benignitatis nobilitavit accessus. Qui naturæ fœdere copulati solo sectandæ justitiæ zelo pulcre sibi sine invidia contendebant. Primus *Æthelwoldus*, secundus *Alfwoldus*, tertius *Athelsinus*, quartus *Æthelwynus*, dicebatur. Quorum ultimus, etsi eum natura statuisset novissimum, disciplinatæ tamen moralitatis pretio supra cæteros virtutis multimodum mercabatur prioratum. Horum pater, prænominatus dux *Ethelstanus* cum jam multum sui temporis in operibus piis et virtutum exercitiis consummasset, sagaci providentia mundum ante deludens, quam deluderetur à mundo, monachus factus *Glastoniæ* prioris nævos ætatis maturiori expiavit conversatione. Tandemque prædictos novellos fœcundæ vitis quatuor palmites, in sortis suæ hæreditariæ et morum successione relinquens, ibidem vitæ et finem sortitus est et sepulchrum: perseveravit autem vir iste Christianissimus ab *Æthelstano* rege piissimo usque ad nepotem ipsius ex fratre *Edmundo* illustrem regem *Edgarum*, quatuor scilicet regum tempora complens. (Hist. Rams. p. 387.)

¹⁹ This unlucky prince is described by Malmesbury as one of Edgar's privy counsellors. *Athelwoldus* quondam erat Comes egregius et a secretis.—Edgar caused him to be assassinated, in order that he might obtain his wife, the fair *Elfrida*, the daughter of *Ordgar*, Ealdorman of Devonshire. Malmesbury notices that he left an illegitimate son, who was received with great favour by Edgar.

²⁰ The principal materials for the life of *Ailwine* and his family are found in the Book of Ramsey—(as above and in chapters iii. xvii. xviii. &c.) The inscription upon his tomb:—Hic requiescit *Ailwinus* incliti regis *Edgari* cognatus, totius Angliæ Aldermannus, et hujus sacri cœnobii miraculosus fundator,—was preserved by Leland (Gale, p. 462.) After the dissolution, the church was demolished, the tomb of *Ailwyne* destroyed, and his statue cast into a pond, in which it was discovered during the reign of Charles II. When Gough wrote, this very singular relic was lying neglected in a yard. (Sepulc. Mon. Vol. I. p. xcii.) He supposed it to be "the oldest genuine monument in England." The canopy which surmounts the statue shows that it is not older than the reign of Edw. I. but, at the same time, the singularity of the costume, utterly unlike any dress used in that age, affords strong reason for considering it as a genuine copy of a Saxon original, and, as such, deserving more attention than it now receives. Ailwin and his brothers are said, by the Monk of Ramsey, to have flourished under Edgar; and it is most probable that they all enjoyed some portions of their father's territory.

²¹ Nam princeps *Merciorum Alferus*, quampluresque regni primates, magnis obcæcati muneribus, abbates cum monachis de monasteriis, in quibus Rex pacificus *Eadgarus* eos locaverat, expulerunt, et clericos cum uxoribus suis introduxerunt. Sed huic vesaniæ viri timorati, Dux *Orientalium Anglorum Athelwinus*, Dei amicus, et suus germanus *Alfwoldus*, et *Brihtnothus* Comes vir religiosus, restiterunt, et in synodo constituti se nequaquam ferre posse dixerunt, ut monachi ejicerentur de regno, qui omnem religionem tenuerunt in regno. Congregato dein exercitu, monasteria *Orientalium Anglorum* maxima strenuitate defendunt.

(Flor. Wigorn.)

992 Dux egregiæ memoriæ *Æthelwinus*, Dei amicus, defunctus est, qui fratribus suis *Æthelwoldo*, et *Alfwoldo* et *Agelsino* licet junior ætate, illos tamen mansuetudine, pietate, bonitate, et justitia excellebat, et ut vir maximæ honestatis et munditiæ paradisi civibus (uti credi libet) est allectus. Cujus corpus cum maximo honore *Ramesiam* delatum, à sancto *Alfego Wintoniensi* Episcopo est tumulatum.

(Flor. Wigorn.)

EAST ANGLIA

ULFKYTTLE. 1004 *ULFKYTTLE*, "Dux *East Anglorum*" about this time. He and the Witan of East Anglia take counsel for treating and making peace with *Sweyne*. The Danes treacherously attack Thetford, and are defeated by *Ulfkyttle*²².

1010 Danes under the command of *THURKILL* "*hin have*," or "the tall," the brother of *Sigwald*, the pirate Jarl, of Jomsburgh, and son of *Harold*, King of Scania, invade *East Anglia*, and occupy the country.

1012 } About this time *THURKILL* submits to *Ethelred*, and obtains a portion of *East*
1013 } *Anglia*, probably *Suffolk*, as his Earldom.

1016 East Anglia allotted to *EDMUND Ironside* upon the division of the Empire (p. cclv.)

EDMUND
Ironside.

1016 *ULFKYTTLE* killed in the great battle of Assingdone.

THURKILL. 1017 Canute, upon his accession to the Empire, appoints *THURKILL* to be Earl of East Anglia²³.

1021 Earl *THURKILL*, and his wife *EGITHA*, expelled from England.

HAROLD. 1051 About this time East Anglia was included in *HAROLD*'s Earldom (p. cclx), of which he is deprived, and it is granted to *ÆLFGAR* or *ALGAR*, the son of *LEOFRIC*.

ALGAR. 1052 } *HAROLD* is restored to his Earldom. Upon the death of Godwin, his father, he suc-
1053 } ceeds to the Earldom of *Wessex*; and the Earldom of *East Anglia* is granted again to *ALGAR*.—In 1055 *Algar* was outlawed by the Witenagemot, but the sentence was reversed in the course of the same year.

1057 *ALGAR* succeeds to the Earldom of *Chester* (p. ccxcii.) and surrenders *East Anglia*²⁴.

GURTH. *GURTH*, brother of *HAROLD*, becomes Earl of Suffolk²⁴.

²² *Ulf Kettle Snilling*, for such was his Danish name, was a Dane by birth and blood: but he had married *Ulfhilda*, daughter of *Ethelred*. The period when he acquired the Earldom is not ascertained. (Suhm. III. 358, 431.)

²³ Rex *Danorum Suanus* cum sua classe *Northwick* advectus, illam devastavit et incendit. Tunc magnæ strenuitatis Dux *Eastanglorum Ulfketellus*, quia ex improvise venit, nec contra eum spatium congregandi exercitum habuit, cum majoribus *Estangliæ* habito consilio, pacem cum eo pepigit. Verum ille, disrupto fœdere, tertia post hæc hebdomada, cum copiis suis latenter e navibus prosiliens, *Theotfordam* invasit, devastavit, nocte una in ea mansit, diluculo incendit. Quo cognito, Dux *Ulfketellus*, quibusdam de provincialibus mandavit, ut hostium naves confringerent: at illi vel non audebant, vel jussa perficere negligebant. Ipse vero interim (quam citius potuit) clam suum congregans exercitum, adversus hostes audacter ascendit; quibus ad naves repedantibus, non æqua manu militum illis occurrit, durissimumque cum eis prælium commisit, multisque ex his et illis cæsis nobilioresque de *Eastanglia* corruerunt, *Dani* vero vix evaserunt. Sed si vires *Eastanglorum* jam adessent, nullo modo naves suas repeterent. Ut enim ipsi testati sunt, durius et asperius bellum in *Anglia* nunquam experti sunt, quam illis Dux *Ulfketellus* intulerat. (Flor. Wigorn.)

²³ *Thurkill*, whose size was almost gigantic, appears as one of the most successful of the Danish chieftains—and, at first, one of the most ferocious of the Danish chieftains. The pirates of Jomsburgh were celebrated for their stern and ferocious valour, and *Thurkill* did not belie the reputation of his compeers. His first invasion, in 1009, was for the ostensible purpose of revenging the death of his brother, Earl *Sigwald*. *Sweyne* was incited by *Thurkill* to attack England; but, as appears above, he afterwards deserted the Danish party, and made terms with *Ethelred*. He was killed in Denmark by the peasantry, and his corpse allowed to lie unburied. (Sax. Chron. &c. ad ann. Enc. Emmæ, p. 167. Suhm. III. 248, 372, 380, 389, 541.)

²⁴ The authorities do not state in express terms that *Algar* was divested of this Earldom, but the other transactions of this reign leave no doubt of the fact. In the narratives of the Battle of Hastings (Flor. Wig. &c.) *Gurth* is styled Comes: and we can collect from Doomsday (II. 283, &c.) as well as from a writ of Edward the Confessor, that he was Earl of Suffolk, though probably not of the whole country, for in the instrument last quoted, he and Harold are addressed jointly as Earls. (Mon. I. 297.)

PROOFS AND ILLUSTRATIONS.

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EAST ANGLIA.

Provincia illa ab Austro et ab Oriente cingitur oceano, ab aquilone paludum uligine et stagnorum rapaci voragine; quæ trium, vel duum milliariorum spatio latitudine, infinitaque longitudine protensa, incolarum usui piscosam præbent exuberantiam; ab Occidente reliquæ insulæ continua, sed defossa humo ad instar muri aggere permunita, pecorum pabulis, ferarum capturis, humus egregia, cœnobiis referta, congregationibus monachorum numerosissimis, inter ipsas stagnorum insulas institutis, gens læta, et lepida facetaque festivitate jocorum ad petulantiam pronior. (Abbo Floriacensis in Vita Sancti Edmundi.)

In the preceding passage the natural and artificial boundaries of East Anglia are described. The dyke was known by the name of the *Reck-Dyke*, i. e. the Warriors' or Heroes' Dyke, from *Rekke*, an ancient Gothic term, and expressive of strength, might, and power²⁵. A name more emphatically appropriate to the vast rampart, upon whose summit were ranged the warriors of East Anglia, could not be devised. By the ordinary transition of popular speech and opinion, it is also familiarly known as the *Devil's Dyke*. In the middle ages it was more decorously called the *Dyke of St. Edmund*²⁶. The same name appears to have been also given to the *Fleam Dyke*, and to some other entrenchments of the same description, which appear to have been the outworks of the principal fortification. The present Bishopric of Norwich is so well marked out by natural boundaries, and by the Dyke, that we may consider it as distinctly indicating the ancient extent of the kingdom of East Anglia, except in those parts where, in early periods, the frontier was left undetermined in the fens and marshes. The country has, however, sustained many important changes by the loss of land on the coast, where the process of degradation has gone on with great rapidity; and by the gain in the estuaries, which have been filled up by the retrocession of the waters.

SOUTH GYRWA²⁷.

660 *TONDBRYHT*, Ealdorman or Princeps, married to *Ædilthryda* or *Etheldreda*, daughter of *Anna* of *East Anglia*, about this time. (Bede, IV. 19.)

GYRWA.

TONDBRYHT.

²⁵ Camden supposes that the name of the Dyke is derived from the village of Rech, but the village evidently derived its name from the fortification. For the application of the term *Rekke* and *Recke*, see Wachter and Ihre.

²⁶ Higden, Lib. I. c. 51. (Florilegus.)

²⁷ *North* and *South Gyrwa* respectively contained the same number of 600 hydes. They are supposed to have comprehended the Fen Counties in the Shires of Cambridge, Huntingdon, Northampton, and Lincoln. (Gibson's Camden, 489.) The name of the district appears to have continued current till a late period, but no further mention of it, as a political division, occurs after the age of Bede. Bentham supposes that "*South Gyrwa*" is to be identified with the Isle of Ely. (Hist. Ely, p. 46.)

Ovin is noticed both by Bede and the Ancient History of Ely, as the "*Primus Ministrorum*" of *Etheldreda*—and possibly may have had the administration of the island. The monumental inscription upon his tomb—"Lucem tuam *Ovino*, da, Deus, et requiem eternam," is perhaps one of the most venerable monuments of Saxon antiquity. After serving for many years as a horseblock, at Hadenham, in Suffolk, it was removed, by the care of Mr. Bentham, into Ely Cathedral.

ESSEX.

EAST SAXONS.

[527?] Kingdom of the *East Saxons* supposed to begin¹ under *ÆSCWIN*, also called *ERCENWINE*, the son of *OFFA* or *UFFA*². It is doubtful whether this monarchy ever enjoyed independence.

SLEDA. 587 *SLEDA*, son of *ÆSCWIN* or *ERCENWINE*, married to *Ricola* or *Regula*, sister of *Æthelbert*, King of *Kent*.

SEBERT. 604 About this time *SEBERT*, *SABERT*, or *SABA*, under the supremacy of *Æthelbert*³. Bishopric of London founded by their joint authority.

615 } Death of *SEBERT*, who is succeeded by his three sons⁴—
616 }

SEXRED. *SEWARD*.
SIGEBERT.

SEXRED—*SEWARD*—and *SIGEBERT*.

[617?] *SEXRED*, *SEWARD*, and *SIGEBERT*, slain in battle with the "Gens Gewissorum." *SEWARD* leaves two sons, *SIGEBERTUS* Parvus, and *Sebbi*⁵.

SIGEBERT the Little.

SIGEBERTUS Parvus, succeeds.

SIGEBERT the Good.

653 *SIGEBERTUS* Bonus, son of *Sexbald* (Bede, III.) or *Sigebald* (Malm.) the brother of *SEBERT*, succeeds.

660 *SIGEBERT* is killed by his subjects.

SWITHELM.

SWIDHELM or *SWITHELM*, brother of *SIGEBERTUS* Bonus, succeeds.

SIGEHERE. *SEBBI*.

665 Succeeded by *SIGEHERE*, son of *SIGEBERTUS* Parvus, and *SEBBI*, brother of *SIGEBERTUS* Parvus, as co-heirs, but each ruling over a separate part of the kingdom, under the supremacy of *Mercia*⁶.

¹ *Regnum Est Saxe, id est Orientalium Saxonum, incipit; quod primus, ut notatur, tenuit Erchenwine, secundum quod ex veterum scriptis conijcere possumus, qui fuit filius Offa, filii Biedran, filii Sigewulf, filii Sporwe, filii Gesac, filii Andesc, filii Saxnot. Post Erchenwine vero regnavit Slede filius ejus. (Hunt.)*

² In the genealogies appended to Florence—*Æscwin*. In Huntingdon (as above) and the other authorities—*Ercenwine*. It is not very probable that *Ercenwine* reigned sixty years, and, according to Malmesbury, *Sleda* was their first King. I notice these difficulties and contradictions, without attempting to remove them. Et habuere quidem *Orientalis Saxones* per successionem Reges multos, sed aliis Regibus et maxime, *Mercii* subjectos. The settlement of Essex is also said to have taken place about the same time with *Mercia* and *East Anglia*. (p. cclxxvii.)

³ *Provincia Orientalium Saxonum, qui Tamense fluvio dirimuntur a Cantia, et ipsi orientali mari contigui, quorum metropolis Lundonia civitas est, super ripam præfati fluminis posita, et ipsa multorum emporium populorum, terra marique venientium, in qua videlicet genti tunc temporis Sabert nepos Ædilbercti ex sorore Ricula regnabat, quamvis sub potestate positus ejusdem Ædilbercti. (Bede, II. 3.)*

⁴ The authorities disagree as to this succession. Bede says, that *Sebert*'s three sons succeeded him as his heirs, "tres suos filios regni temporalis hæredes reliquit," (II. 5) whose names are given by Bromton (p. 743.) Malmesbury and Flor. Wigorn. name *Sexred* and *Seward* only as his successors, and no further mention is made of *Sigebert*.

⁵ Bede merely notices the death of the sons of *Sebert*. The other particulars are from Malmesbury and Flor. Wigorn. According to Flores Hist. the battle took place in 623.

⁶ The supposition that *Sebbi* and his sons reigned concurrently is grounded upon a charter granted by *Hodilredus* (i. e. *Ethelred*) parens *Sebbi*, in favour of the monastery of Barking, and thus confirmed:

Ego *SEBBI*, Rex *East Saxonum*, pro confirmatione subscripsi.

Ego *Oidilredus*, donator subscripsi.

Signum manus *SEBBI*, Regis.

Signum manus *SIGEHEARDI*, Regis.

Signum manus *SUÆBERTI*, Regis.

The Charter (Bib. Cott. Augustus II. 26) has the appearance of being an original document, and all the signatures were written at one time.

SUEFRED or *SUEBRED* does not appear with any co-regent in a charter granted A. D. 704, by which he grants certain lands "in provincia quæ nuncupatur *Middelseaxan*" to Bishop "*Waldar*." The Charter is made "cum licentia *Ædelredi* Regis." (Smith's Bede, App. 749.)

That *Sigehere* and *Sebbi* were not tenants in common, but that each held distinct sovereignty, appears from Bede, III. 30. Eodem tempore provinciæ *Orientalium Saxonum* post *Suidhelmum*, de quo supra diximus,

PROOFS AND ILLUSTRATIONS.

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ESSEX.

- [683?] *SIGHERE* is succeeded by his son *OFFA*, who had perhaps been already associated to him.⁶ *OFFA*.
- *SEBBI* resigns his crown, and is succeeded by his sons, *SIGHEARD* and *SWE-FRED*, or *SUEBRED*⁷, who, perhaps, had been associated to him in his lifetime. *SIGEHEARD*. *SWEFRED*.
- Mercia. 709 *OFFA*, son of *SIGHERE*, resigns his crown, and dies a monk at Rome. He is succeeded by *SELRED*, the son of *SIGEBERTUS Bonus*, who reigned 38 years⁸. *SELRED*.
- 738 King *SELRED* is slain⁹. He is succeeded by *SWITHRED I*. *SWEFRED* dies. *SWITHRED I*.
- 758 *SWITHRED I*. King of the East Saxons about this time. (p. ccxcix. Note⁸) —
- 799 *SIRIC*, about this time. (Sax. Chron. Concilia I. 169.) *SIRIC*.
- 823 Essex submits to *Egbert*, King of Wessex (p. ccxl.) but *London* continues under the supremacy of *Mercia*; and it is probable, that from this time *Middlesex* was permanently detached from Wessex¹⁰.
- 827 } *SWITHRED II*. King of *Essex*, expelled (p. ccxl.)¹¹ *SWITHRED II*.
- 828 }
- 836 *ATHELSTANE*, son of *Ethelwulf*, King of *Essex* and *Kent*, &c. (p. ccxl. cclxx.) *ATHELSTANE-Ethelwulfing*.
- 897 Death of *BEORTWULF*, Dux or Ealdorman of the *East Saxons*. *BEORTWULF*.
- Essex being included within the frontier of the territory assigned to *GUTHRUN-ATHELSTANE*, it was probably governed by him in conjunction with *East Anglia*. (p. ccc.) *GUTHRUN-Athelstane*.
- 913 } *Maldon* occupied by *Edward* the Elder—part of the inhabitants of *Essex* submit to him.
- 915 }
- 918 Further submission of the Men of *Essex*.
- 921 *Edward* the Elder marches with his "Fyrd" to *Colchester*, and occupies the town—other part of the inhabitants of *Essex* submit to him.
- 1016 *Essex* and *London* allotted to *EDMUND Ironside* on the division of the Empire between him and *CANUTE* (p. cclv.)

præfuere Reges *Sigheri* et *Sebbi*, quamvis ipsi regi *Merciorum Vulfhere* subjecti. Quæ videlicet provincia, cum præfatæ mortalitatis clade premeretur, *Sigheri* cum sua parte populi, relictis Christianæ fidei sacramentis, ad apostasiam conversus est. In a charter of *Offa*, 690, he is styled "Rex *Anglorum*." (Thorne, p. 2219.)

⁷ Bede, IV. 23. The date of *Sebbi*'s resignation is uncertain.

⁸ Bede (V. 91.) notices the resignation of *Offa*; the accession of *Selred* appears from *Flores Hist.* and *Malmesbury*.

⁹ A. D. 746 Her man sloh *Selred* cyning.—A. D. 738 Rex *East Saxonum Selredus* occiditur. (*Flores Hist.*) The latter date is the most probable.

¹⁰ *Selredo* perempto, anno regni vicesimo octavo, *Suthredus* regni solium obtinuit ac aliquantis annis tenuit, cujus post mortem, reges pauci super *East Saxones* regnare proprii. Nam eodem anno quo regnum defecit *Cantuariorum*, cum ipsis et cum *Suth Saxonibus* strenuo regi *West Saxonum Egberto* se dederunt, et ei suisque successoribus tam diu parebant, quoad *Danicus* Rex *Guthrum*, super eos potestatem acciperet. *Lundonia* tamen cum terris circumjacentibus, *Mercensibus* regibus quamdiu ipsi regnarent, paruit. (*Flor. Wigorn. Gen.* 691.)

¹¹ The voluntary submission of the men of *Essex* to *Egbert* seems to show that they, like the men of *Kent*, considered him as their lawful King, and perhaps the two *Swithreds* were intrusive monarchs. The date of *Swithred*'s expulsion, stated in general terms by *Malmesbury*, is fixed by *Flores Hist.* in this year, p. 240. This *Swithred* must have been the successor of *Siric*.

ESSEX.

BRITHNOTH.

- 991 *BRITHNOTH*¹², the valiant Alderman or Dux of the *East Saxons*, killed by the Pagan Danes at Maldon.

- 1051 Essex was afterwards included in the Earldoms of
HAROLD and of *ALGAR*. (p. cclx.)

— *Leofcild*, Scire-Gerefa¹³.

— *Robberd* and *Esgar*¹³, "Stalleres."

¹² We possess a more than ordinary acquaintance with this noble warrior; for the will which he made, when he was about to proceed against the Pagans, is extant (p. ccxxiii); and we can listen to the poet by whom his achievements have been sung. (Conybeare's Anglo-Saxon Poetry, p. lxxvii.) In the Book of Ely (lib. II. cap. vii.) which contains an elaborate portrait of Brithnoth's character, and a full detail of his achievements, he is styled the "nobilissimus Northanhymbrorum Dux." This epithet probably relates to his descent, for the other testimonies imply that he was Duke of the East Saxons. Having determined to appropriate his worldly wealth to pious uses, he appears to have executed separate wills in favour of each establishment. To the Abbey of Ely he bequeathed many Townships, thirty marks of gold, and twenty pounds of silver, and directed that his corpse should be interred there, if he fell in the approaching conflict. His directions were carried into effect, and his widow, *Adelfeda*, not only surrendered the right which she possessed in two Townships, by reason of her dowry, or "Morgengabe," but added other gifts—a *Torques* or collar of gold, probably the insignia of the Ealdorman—and a "cortina," the counterpart of the Bayeux tapestry, upon which his valiant deeds were embroidered. The bones of *Brithnoth* were deposited in the stone wall of the ancient choir of Ely; when the cathedral was repaired and "improved" (i. e. mangled and defaced) in the course of the last century, they were removed to the south aisle of the new choir.

¹³ Named in writs addressed by Edward the Confessor to them and Bishop William. (Mon. I. 299.)

MIDDLESEX.

MIDDLESEX.

This Province, part of the original dominion of the East Saxons, appears to have been afterwards governed by *Mercia*. (p. cccv.)

1053 Included in the Earldom of
*HAROLD*¹⁴.

— *Osgod Clapa* and *Ulf*, Scire-Gerefas¹⁵.

— *Esgar*, the King's "Stallere" in Middlesex¹⁵.

HERTFORD.

HERTFORD.

Included in the Earldoms of

— *BEORN*¹⁶.

— *LEOFWINE*¹⁷. (Perhaps Harold's brother.)

LONDON.

LONDON.

Supremacy thereof, granted by *Alfred* to *Ethelred*, Ealdorman of *Mercia*. (p. cclxxxii.)

— *Leofstan* and *Alfsi*, Port-Gerefas¹⁸.

¹⁴ Mon. I. 297.

¹⁵ Writs addressed to them and Bishop *Rodberd*. (Mon. I. 299.)

¹⁶ Writ addressed by the Confessor to him and to Bishop *Ednoth*. (Bib. Cott. Faustina, A. III. fol. 103.)

¹⁷ Writ addressed by the Confessor to him and to Bishop *Wulsi*.

¹⁸ Writs addressed to them and to Bishop *William*. (Mon. I. p. 300, &c.)

NORTHUMBRIA.

NORTHUMBRIA. ANGLES.

DEIRA.

BERNICA.
OCTA. EBUSA.

— OCTA and EBUSA first settle North of the Humber. Other settlements formed by various Ealdormen, who continue under the supremacy of Kent, until the accession of *Ida*.
(Malms. c. III.)

500? The Saxons take the city of York.—
Archbishop Samson takes refuge in Armorica, where he founds the see of Dol.
(Dubious—see Morice, I. 548.)

516 [*Colgrim*, and his brother *Baldwulph*, said to have occupied Northumbria. They are attacked by Arthur, and defeated on the river *Duglas*.¹]

IDA. 547 IDA, accompanied by his father, *Eoppa*, lands at Flamborough²—assumes the government—reigns 12 years. (Bede, V. 24. Sax. Chron.)

ADDA. — ADDA, son of IDA, reigns five (or according to Nennius nine) years.

559 } ELLA, son of *YFFI*, described by ELLA.
560 } Malmesbury and the Chronicle, as the successor of IDA, and who seems to have had the supremacy over the whole of Northumbria—reigns about 30 years.

CLAPPA. — CLAPPA, son of IDA, reigns seven years.

THEODWULF. — THEODWULF, son of IDA, reigns one year.

FREOTHWULF. — FREOTHWULF, son of IDA, reigns seven years.

588 }
589 } Death of ELLA.

THEODORIC. — THEODORIC, son of IDA, reigned seven years. (App. Nenn.)

ÆTHELRIC. 589 ÆTHELRIC, son of IDA, succeeds, after the death of *Ella*, to the supremacy of Northumbria—reigns five years (Malm. Sax. Chron.); or four, according to Wallingford.

— EDWIN, son of ELLA, expelled from his kingdom by ÆTHELFRITH, and received by Redwald, King of the East Angles.

ÆTHELFRITH. 592 ÆTHELFRITH, son of ÆTHELRIC, succeeds on the death of his father—married to *Acca*, daughter of *Ella*—reigns 24 years. (Saxon Chron., Flor. Wig., Bede.)

— EDWIN marries *Cwenburgha*, the daughter of *Charles* or *Ceorl*, King of Mercia.

596 *Fritholgwald* and *Hussa*, chieftains of Northumbria about this time³.

¹ A very dubious statement. The battle on the *Duglas* is mentioned by Nennius. The achievements of *Colgrim* and *Baldwulph* are detailed at length by Geoffrey of Monmouth; the date is given from Flores Hist.

² Wallingford, p. 526. This author gives the following succession, *Adda*, 8 years—*Glappa*, 1—*Hulsa* (*Hussa*?)—*Frithwolf*, 7—*Theoric*, 7—*Eatheldric*, or *Athelric*, 4—*Eathelfrid*, or *Ethelfrith*, 24. The uncertain author quoted by Leland (II. 34,) seems to have had much in common with Wallingford.

³ The first of these chieftains, whom the Cumbrian genealogist (Nennius, p. 17,) calls kings, is said to have flourished about the time when Ethelbert of Kent received Christianity. *Hussa* is said to have reigned six years.

603 ETHELFRITH defeats AIDAN, "King of the Scots inhabiting Britain," in the battle of Degsastan, fought in the eleventh year of his reign. (Bede I. 24.)— [According to the Saxon Chronicle, Aidan fought against the Dalreudi and against ETHELFRITH⁴.]

613 ETHELFRITH defeats the Britons under BROCMAIL, at Chester⁵.

617 ETHELFRITH killed by Redwald and Edwin, in the battle of Idelton: his sons, the Ethelings, Eanfrid, Oswald, Oswy, Oslac, Oswood, and Offa, expelled by the conquerors.

Edwin assumes the government of Deira and Bernicia. The Athelings take refuge amongst the Picts. Eanfrid marries a Pictish princess, by whom he has Talorgan, afterwards King of the Picts. Edwin.

— Edwin⁶, King of Northumbria, and Bretwalda, obtains the supremacy over the Scots, the Picts, and all the British and Anglo-Saxon states, Kent excepted, and subdues Man and Anglesea, and the other islands of the British seas⁷.

— Elmet conquered by him, and the British King expelled⁶.

625 Addressed by Pope Boniface as "Rex Anglorum." (Bede II. 10.)

626 Attacks the West Saxons, and subdues them. (p. ccxxxv.)

⁴ Her Ægthan, Scotta Cyng, feaht with Dælreoda and with Æthelferthe, North-hymbra Cynges, at Dægstane—perhaps an error of the Saxon Chronicle.

⁵ By Bede the extent of Ethelfrith's conquests is forcibly described.

592—613 His temporibus, regno Northanhymbrorum præfuit Rex fortissimus et gloriæ cupidissimus Ædelfrid, qui plus omnibus Anglorum primatibus, gentem vastavit Brittonum..... Nemo enim in Tribunis, nemo in Regibus, plures eorum terras, exterminatis vel subjugatis indigenis, aut tributarias genti Anglorum, aut habitabiles fecit. (Bede I. 34.)

⁶ Edguin filius Alli regnavit annis septemdecem, et ipse occupavit Elmet et expulit Certic, regem illius regionis. (Nen. Geneal. 117.)

⁷ Bede has detailed the succession of the sovereigns bearing the title of Bretwalda, in a passage adopted by most of the other chroniclers.

616 Anno ab Incarnatione Dominica, sexcentesimo decimo sexto, qui est annus vicesimus primus, ex quo Augustinus cum sociis, ad prædicandum genti Anglorum missus est, Aedilbert Rex Cantuariorum, post regnum temporale, quod quinquaginta et sex annis gloriosissime tenuerat, æterna cœlestis regni gaudia subiit: qui tertius quidem in Regibus gentis Anglorum, cunctis Australibus eorum provinciis, quæ Humber fluvio et contiguis ei terminis sequestrantur a Borealibus, imperavit; sed primus omnium cœli regna conscendit. Nam primus imperium hujusmodi, Aelli Rex Australium Saxonum; secundus Cælin Rex Occidentalium Saxonum, qui lingua eorum Ceaulin vocabatur; tertius, ut dixi, Aedilbert Rex Cantuariorum; quartus Redwald Rex Orientalium Anglorum, qui etiam vivente Aedilberto eidem suæ genti ducatum præbebat, obtinuit; quintus Aeduin Rex Nordanhymbrorum gentis, id est, ejus quæ ad Borealem Humber fluminis plagam inhabitat, majore potentia cunctis qui Britanniam incolunt, Anglorum pariter et Brittonum populis præfuit, præter Cantuarii tantum; necnon et Menavias, Brittonum insulas, quæ inter Hiberniam et Britanniam sitæ sunt, Anglorum subiecit imperio; sextus Oswald et ipse Nordanhymbrorum Rex Christianissimus, hisdem finibus regnum tenuit; septimus Osui frater ejus, æqualibus pene terminis regnum nonnullo tempore coercens, Pictorum quoque atque Scottorum gentes, quæ septentrionalis Britanniae fines tenent, maxima ex parte perdomuit, ac tributarias fecit. (Bede II. 5.)

With respect to Edwin's conquests over the Britons, the expressions employed by Bede seem to imply that the whole race became subjected to his supremacy.

625 Quo tempore etiam gens Nordanhymbrorum, hoc est, ea natio Anglorum quæ ad aquilonalem Humber fluminis plagam habitabat, cum rege suo Aeduino, verbum fidei, prædicante Paulino, cujus supra meminimus, suscepit. Cui videlicet Regi in auspiciis suscipiendæ fidei et regni cœlestis, potestas etiam terreni creverat imperii: ita ut, quod nemo Anglorum ante eum, omnes Britanniae fines, qua vel ipsorum vel Brittonum provinciæ habitant, sub ditione acceperit. Quin et Menavias insulas, sicut et supra docuimus, imperio subjugavit Anglorum: quarum prior, quæ ad austrum est et situ amplior, et frugum proventu atque ubertate felicior, nongentarum sexaginta familiarum mensuram juxta æstimationem Anglorum; secunda trecentarum et ultra spatium tenet. (Bede II. 9.)

At vero Aedwini, cum decem et septem annis genti Anglorum simul et Brittonum gloriosissime præesset, rebellavit adversus eum Ceadwalla Rex Brittonum, &c. (Bede II. 20.)

Egbert was afterwards added to the number of the Bretwaldas (see p. ccxl.) The later kings, who possessed the same kind of authority as the Bretwalda, generally took the style of "Basileus," or some other equivalent, implying imperial sovereignty.

- 626 *PENDA*, of the royal family of the Mercians, assumes the title of King, and separates *Southumbria* from *Northumbria*, to which it had been subjected. (p. cclxxvii.)
- 633 Oct. 12.—*PENDA*, and *Ceadwalla*, King of the Britons, allied against *Edwin*, whom they defeat at *Heathfield*, in which battle he is killed, in the eighteenth year of his reign “over the *English* and *Britons*.” (Bede II. 20, 22. V. 24.)
- | | | | |
|---------------------------------|--|---|-----------------|
| <p>EANFRID.
(Bernicia.)</p> | <p>633 } EANFRID, son of <i>Ethelfrith</i>, and
634 } father of <i>TALORGAN</i>, King of the
Picts, returns from amongst the
Scots, and succeeds to the kingdoms
by his hereditary right (Bede III. 1.)
—killed by <i>CEADWALLA</i>, and
having apostatized, his reign is con-
sidered as merged in that of his
successor.</p> | <p>633 } OSRIC, son of <i>Alfric</i>, son of <i>Yffi</i>, OSRIC.
634 } succeeds by hereditary right—killed
by <i>CEADWALLA</i>, and having
apostatized, his reign is considered
as merged in that of his successor.</p> | <p>(Deira.)</p> |
|---------------------------------|--|---|-----------------|
- CEADWALLA occupies York, and
probably the whole of the kingdom.
(Bede III. 1.)
- Oswald. 635 *Oswald*, brother of *EANFRID*, defeats *CEADWALLA*, and regains both king-
doms; his claim to *Deira* being founded upon his descent from *Acha* or *Acca*.—
Obtains the dignity of Bretwalda or Emperor of Britain, and is acknowledged as
such by the four nations or tongues of Britain⁸—the *Angles*, the *Britons*, the *Scots*,
and the *Picts*. Reigns nine years (i. e. reckoned from the accession of *EANFRID*
and *OSRIC*⁹).
- 642 Aug. 5.—*Oswald* killed by *PENDA*, the heathen King of *Mercia*, in the battle of
Maserfelth, in the ninth year of his reign.
- | | | |
|-------------------------------|---|--|
| <p>Oswio.
(Bernicia.)</p> | <p>642 <i>Oswio</i>, brother of <i>Oswald</i>, suc-
ceeds to <i>Bernicia</i>—much troubled
by the <i>Mercians</i>, by his son <i>Alch-
frid</i>, and by <i>Ethelwald</i>, or <i>Oidil-
wald</i>, son of <i>Oswald</i>. He obtains
the dignity of Bretwalda, and sub-
dues the greater part of the <i>Scots</i>
and <i>Picts</i>¹⁰—reigns twenty-eight
years.</p> | <p>644 OSWIN, son of <i>OSRIC</i>, obtains OSWIN.
<i>Deira</i>—reigns nine years. Great
dissensions between <i>Deira</i> and <i>Ber-
nicia</i>. (Deira.)</p> |
|-------------------------------|---|--|
- 651 Aug.—Retreats before *Oswio* and
is killed by treachery. *Oswio* suc-
ceeds partly to *Deira*. (Bede III. 14.)
- ETHELWALD, son of *Oswald*, ETHELWALD.
reigns also in this country¹¹. (Deira.)
- 655 *Oswio*, in the thirteenth year of his reign, defeats *PENDA*, and obtains the direct
dominion of *Mercia*, and also the supremacy of *Deira*. (Bede III. 24.)
- Kingdom of *South Mercia* granted by him to *PEADA*, son of *PENDA*, and Ealdor-
man of the *Middle Angles*. (p. cclxxvii.)
- 656 *Mercian* Duces rebel against *Oswio*, and raise *WULFHERE*, son of *PENDA*, to
the government. (p. cclxxviii.)
- 657 *Oswio* joins with *ECGBERT*, King of *Kent*, in sending *Wigheard* to *Rome*, to be
consecrated as Archbishop of *Canterbury*¹².

⁸ *Oswaldus*, qui postea a Deo, totius *Britanniae* Imperator ordinatur.

(Cumminus in *Vita Columbæ*, c. 26.)

635—642 Rex *Oswald*, omnes nationes et provincias *Britanniae*, quæ in quatuor linguas, id est, *Britto-
num*, *Pictorum*, *Scottorum*, et *Anglorum*, divisæ sunt, in ditione accepit. (Bede III. 6.)

⁹ *Osuuald* filius *Edelfred* regnavit novem annis: ipse enim *Osuuald* *Lannigwin*, ipse occidit *Catgublaun*
regem *Guenedotiae* regionis in bello *Catscaul*; cum magna clade exercitus sui. (Nen. Geneal.)

The British epithet of “*Llanigwin*” may be rendered “Fair Hand.”

¹⁰ 658 Idem autem Rex *Oswiu*, tribus annis post occisionem *Pendan* Regis, *Merciorum* genti necnon et
cæteris australium provinciarum populis præfuit, qui etiam gentem *Pictorum* maxima ex parte, regno
Anglorum subiecit. (Bede III. 24.)

¹¹ He founded “*Laestingaeu*.” If, as has been supposed, this monastery was situated at *Lastingham* in
Cleveland, the kingdom of *Ethelwald* may have comprehended the modern *Yorkshire*. (Bede III. 23.)

¹² The following passage of Bede is remarkable on many accounts.

His temporibus, Reges *Anglorum* nobilissimi, *Oswiu* provinciae *Nordanhymbrorum*, et *Ecgeret* *Cantuari-*

- Oswio* addressed by Pope *Vitalian* as "Rex Saxonum." (Bede III. 29.)
- 669 About this time the Archbishopric of *York*, which included the *Pictish* provinces, was co-extensive with *Oswio's* empire¹³.
- 670 Death of *Oswio*.
- 670 ECGFRID, son of *Oswio*, succeeds¹⁴. The *Picts* attempt to throw off the supremacy of ECGFRID, but they are defeated with great slaughter¹⁵. ECGFRID.
- 678 About this time *Lindesey* conquered by ECGFRID from WULFHERE—*Wilfred* expelled, and his diocese divided amongst two Bishops, the Pastors of the *Northumbrians*, *Bosa* of *Deira*, or *York*, and *Eata* of *Bernicia*, whose seat was at *Hexham*, or at *Lindisfairne*. *Eadhard* was also appointed Bishop of *Lindisse*, his seat being fixed at *Sidnacestre*. (Bede IV. 12.)
- About this time *ALFWIN*, brother of ECGFRID, reigned in some part of *Northumbria*.
- 679 War with *Mercia* continued.
- 680 Synod at *Hæthfield*, in the tenth year of the reign of ECGFRID.
- 681 *Trumwin* ordained Bishop of the *Pictish* provinces, then subject to the *English*.
- 684 ECGFRID sends an army to Ireland, under the command of his Ealdorman *Berht*, who ravages the country.
- 685 About this time ECGFRID conquers several portions of territory from the Britons of *Cumbria*—various lands near the *Ribble* are particularly mentioned¹⁶—*Cartmel*, "with the Britons thereupon," is granted by him to the see of *Lindisfairne*¹⁷.—*Carlisle*, and a territory of fifteen miles in circuit, granted in like manner by him in the synod held at *Twysforth*¹⁸. (Bede IV. 28.)
- 685 May 20.—ECGFRID invades the *Pictish* territory, then governed by *BRUDEI*—killed in battle at *Nechtansmere*. The *Picts* appear to have regained a part of their territory, and to have expelled the *English* as well as the *Scots*; and the *Britons* of *Strath Clyde* became more independent, until they again yielded to the power of the *Anglo-Saxon* kings. (Bede IV. 26.—*Sim. Dun.*—*App. Nenn.* 116.)

orum, habito inter se consilio, quid de statu Ecclesiæ *Anglorum* esset agendum, intellexerat enim veraciter *Oswiu* quamvis educatus a *Scottis*, quia *Romana* esset Catholica et Apostolica Ecclesia, adsumpserunt, cum electione et consensu sanctæ Ecclesiæ gentis *Anglorum*, virum bonum, et aptum Episcopatu, Presbyterum nomine *Uighardum*, de clero *Deusdedit* Episcopi, et hunc Antistitem ordinandum *Romam* miserunt: quatenus accepto ipse gradu Archiepiscopatus, Catholicos per omnem *Brittaniam* Ecclesiis *Anglorum* ordinare posset Antistites. (Bede III. 29.)

¹³ *Wilfrido* administrante episcopatum *Eboracensis* ecclesiæ, necnon et omnium *Norhanhymbrorum*, sed et *Pictorum*, quousque Rex *Oswiu* imperium protendere poterat. (Bede IV. 3.)

¹⁴ Vita S. Wilfridi, p. 60.

¹⁵ 670 In primis annis *Ecgridi* Regis *Deirorum* et *Berniciorum*, tenero adhuc regno, populi bestiales *Pictorum* feroci animo, subjectionem *Saxonum* despiciebant et jugum servitutis a se abicere minantur Quo audito Rex *Ecgridus* statim equitatu exercito preparato contra enormem et supra invisibilem hostem cum *Bernhaeth* subaudaci Regulo invasit, stragemque immensam populi subruit et in servitutem redacti populi usque ad diem occisionis Regis subjecti jugo captivitatis jacebant.

(*Eddius Vita Wilfredi*, c. 19.)

Nec minus Rex *Ecgridus* suo deerat officio regnum dilatando in *Pictos*, tuendo in *Mercios*. *Picti* defuncto Rege *Oswio* parvi facientes teneram infantiam reguli prouunt ultro; et conspirant in *Northanhimbros*; quibus cum subregulo *Bernego*, regius juvenis occurrens, ita paucis suis militibus innumerabilem *Pictorum* delevit exercitum ut campi cadaveribus constrati, planitiem amitterent, fluminis cursu intercepto subsisterent. (*Malm. de Gestis Pontificum*, L. III.)

¹⁶ Upon the dedication of the "Basilica" of Rippon, some of these conquests—"juxta *Rippel*, et in *Gaedine* et in regione *Dunitinga* et in *Caetlevum*"—were granted to St. Wilfred by Ecgrid and Ælwine. The British clergy fled before the victors, and abandoned their churches to the Anglian priesthood. Wilfrid, in his address to the kings and people, numerated the "loca sancta in diversis regionibus quæ clerus *Brittonum*, aciem gladii hostilis manu gentis nostræ fugiens, deseruit." (*Vita Wilfredi*, p. 60.)

¹⁷ Dedit Sancto *Cuthberto* Rex *Egfridus* terram, quæ vocatur *Cartmel* et omnes *Britanni* cum ea.

(*Sim. Dun. Hist. S. Cuthberti*, p. 79.)

¹⁸ *Sim. Dun. Hist. Dun.* p. 5, and the original charter in Smith's *Bede*, p. 782.

NORTHUMBRIA.

- ALDFRID. 685 ALDFRID, or EALDFERTH, son of *Ɔstwin*, and brother of ECGFRID, succeeds to the kingdom (Bede, *ut supra*), though within narrower limits than it had been held by his predecessors—reigns nineteen years. (Bede V. 1.)
- 699 The Ealdorman *BERHT* slain by the *Picts*. (Sax. Chron.—Ann. Ult.)
- 705 ALDFRID dies in the twentieth year of his reign.
- OSRED. OSRED, his son, succeeds—reigns eleven years. (Bede V. 18.)
- 710 *BERTHFRITH*, an Ealdorman of *Northumbria*, defeats the *Picts*, who seem to have been the invaders. (Flor. Wigorn.—Saxon Chron.—Ann. Ult.) *OFFERUS*, called “*Consul Northanhymbrorum*,” also stated to have gained a victory over the same enemy. (Matt. West.)
- 716 OSRED slain in battle.
- COENRED. COENRED, son of CUTHWIN succeeds (Bede V. 22)—reigns two years.
- OSRIC. 718 OSRIC, succeeds (Bede V. 22)—reigns eleven years.
- CEOLWULF. 729 May 9.—Death of OSRIC, having nominated CEOLWULF, brother¹⁹ of COENRED, as his successor. (Bede V. 23.)
- 737 CEOLWULF resigns the crown in favour of *EADBERT*, son of *Eata*, his “*patruus*.” (Sim. Dun. de Gestis.—Hist. Dun. II. 3.)
- EADBERT. EADBERT succeeds accordingly—subdues all the neighbouring kings, *Angles*, *Picts*, *Britons*, and *Scots*. *Pepin*, King of the *Franks*, seeks his friendship—reigns twenty-one years²⁰.
- 756 EADBERT in alliance with *UNNUST*, King of the *Picts*, takes the town of *Alclud*.
- 758 EADBERT resigns his crown.
- OSWULF. 758 OSWULF, son of EADBERT, succeeds by the nomination of his father.
- 759 July 24.—OSWULF killed at *Michel Wongtune*. (Sim. Dun. de Gestis.)
- ETHELWALD-Moll. 759 Aug. 5.—ETHELWALD, surnamed *Moll* (of uncertain descent), succeeds—reigns six years. (Sim. Dun. de Gestis.—Hist. Dun. III. 4.)
- 761 Aug. 6.—ETHELWALD defeats *OSWIN*, a Dux of *Northumbria*, in the great battle of *Eldune*, near *Melrose*. (Sim. Dun. de Gestis.)
- 762 ETHELWALD married to *Etheldritha*.
- 765 Oct. 30.—ETHELWALD “loses the Kingdom of the Northumbrians” at *Winchenhale*. (Sim. Dun. de Gestis, 106.)
- ALCHRED. 765 ALCHRED, said to be of the race of *Ida*, succeeds²¹.
- 768 ALCHRED, married to *Osgearna*. (Sim. Dun. de Gestis.)
- 772 Death of the Dux *PICTEL*. (Sim. Dun. de Gestis.)
- 774 Death of the Dux *EADWULF*. (Sim. Dun. de Gestis.)

¹⁹ His nephew, according to the Saxon Chronicle.

²⁰ Verum intermissa paululum de episcopis narratione, de ipso rege *Eadberto* breviter aliquid dicendum videtur congruum. Patruus, ut dictum est, *Ceolvulfi* regis, vocabulo *Eata*, filius erat, qui suscepto regno efficacem se valde ac strenuum ad tenendum regendumque imperium exhibebat. Omnibus itaque adversariis, vel sibi subjectis, vel bello prostratis, reges circumquaque morantes *Anglorum*, *Pictorum*, *Britonum*, *Scottorum*, non solum cum eo pacem servabant, sed et honorem illi deferre gaudebant. Cujus excellentiæ fama, ac operum virtutis, longe lateque diffusa, etiam ad regem *Franciæ*, *Pipinum* pervenit, propter quod ei amicitia junctus, multa ei ac diversa dona regalia transmisit. (Sim. Dun. Hist. Dun. II. 3.)

²¹ *Alfredus* filius *Eanwini*, qui fuit *Bernhorni*, qui fuit *Bosæ*, qui fuit *Bleocmanni*, qui fuit *Idæ* (Flor. Wigorn.); but by some his genealogy was considered dubious—*Alfred* prosapiâ Regis *Inæ* exortus, ut quidam dicunt. (Sim. Dun.)

PROOFS AND ILLUSTRATIONS.

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NORTHUMBRIA.

- 774 ALCHRED, banished or expelled, takes refuge, first in Bamborough, afterwards with KENNETH, or CYNNEETH, King of the *Picts*. (Sim. Dun. de Gestis.) (Alchred banished.)
- ETHELRED, also called ETHELBERT, son of ETHELWALD, succeeds to the kingdom—reigns four (Sax. Chron.) or five years. (Sim. Dun. de Gestis.—Mailros.) ETHELRED or ETHELBERT.
- 778 Sept. 29.—ALDWULF, CYNWULF, and ECGA, all bearing the title of Duces, Principes, or “Heah-gerefas²³,” slain in a civil war. (Sim. Dun.)
- 779 Ethelred expelled and banished. (Sim. Dun.) (Ethelred deposed.)
- 779 ELFWALD, son of Oswulf, succeeds to the kingdom of Northumbria. (Sim. Dun. Hist. Dun. II. 4.) ELFWALD.
- 780 Civil wars continued. Beorn, an Ealdorman or “Patricius,” burnt by the Duces or Ealdormen OSBALD and ATHELHEARD. (Sim. Dun. de Gestis.)
- 788 Sept. 21.—ELFWALD killed by his Ealdorman, Dux, or “Patricius,” SIGA, who appears to have been at the head of a conspiracy against him. (Sim. Dun. de Gestis.)
- OSRED, son of ALCHRED, succeeds. (Hist. Dun. II. 4.) OSRED.
- 790 OSRED deposed by a conspiracy or confederation of his “principes,”—shorn as a Monk, and afterwards compelled to take refuge in the Isle of Man. (Hist. Dun. II. 4.—Sim. Dun. de Gestis.) (Osred deposed.)
- 790 ETHELRED recalled. ETHELRED restored.
- 791 Attempt made upon the life of the Comes EARDULF²³ (afterwards King of Northumbria) by the command of ETHELRED. (Sim. Dun. de Gestis.) Elf and Elfwine, sons of Elfwald, slain by the commands of ETHELRED²⁴.
- 792 Osred returns from the Isle of Man, trusting in the oaths and engagements of certain of his “Milites,” but they abandon him, and he is killed (Sept. 14th) by ETHELRED's orders.
- Sept. 29.—ETHELRED married to Elfteda, daughter of King OFFA.
- 793 Lindisfairne, &c. ravaged by the Danes.
- 796 Apr. 18.—ETHELRED killed.
- 796 OSBALD, “Dux et Patricius,” nominated or elected by a party amongst the Principes²⁵, but expelled after reigning twenty-seven days—takes refuge amongst the *Picts*. OSBALD.
- 796 May 26.—EARDULF, recalled from exile, succeeds—reigns ten years—consecrated at York. (Sim. Dun. 114.) EARDULF.
- 798 Ealdorman Wada, at the head of the party which had slain Ethelred, declares war against EARDULF. Battle of *Billingaheth*, near *Whalley*²⁶, in which WADA is defeated. (April 2.)
- 799 OSBALD, who had become an abbot, dies²⁷.

²³ Saxon Chron. These dissensions are stated so obscurely, that it cannot be ascertained, with certainty, whether the parties slain were the king's friends or the king's enemies.

²³ The name of “Eardulf,” without any addition, appears upon the reverse of many of the coins of *Ethelred* (Ruding, pl. 10.) Perhaps these coins were struck in his territory. Ruding, without any sufficient reason, attributes all the coins bearing the name of *Ethelred*, to the son of Eanred.

²⁴ Filii *Elfwaldi* Regis, ab *Eboraca* civitate vi abstracti, et de ecclesia principali per promissa fallaciæ abducti, miserabiliter perempti sunt ab *Ethelredo* Rege in *Wonwaldremere*, quorum nomina *Ælf* et *Ælwine* fuere. (Sim. Dun. de Gestis.)

²⁵ a quibusdam ipsius gentis principibus, in regnum est constitutus, et post septem et viginti diebus omni Regiæ familiæ ac principum est societate destitutus, fugatusque, et de regno expulsus. (Sim. Dun. de Gestis, p. 113.)

²⁶ Anno 798. Conjuratiōe facta ab interfectoribus *Ethelredi* Regis, *Wada* Dux in illa conjuratiōe cum eis, bellum inierunt contra *Eadwulfum* Regem in loco qui appellatur ab *Anglis*, *Billingaheth*, juxta *Walalege*, et utraque parte plurimis interfectis, *Wada* Dux cum suis in fugam versus est, et *Eadwulfus* Rex victoriam regaliter sumpsit ex inimicis. (Sim. Dun. de Gestis, p. 114.) Since it was necessary to state the English name of *Billingheath*, it is probable that it also yet retained a British name amongst the Britons.

²⁷ 799. Ipso quoque tempore *Osbald*, quondam Dux et Patricius, et ad tempus Rex, tunc vero Abbas,

NORTHUMBRIA.

- Ealdorman *ALDRED*, the slayer of *ETHELRED*, killed by Ealdorman *THORTMUND*, who revenges the fate of his lord.
- 799 Ealdorman *MOLL* killed by the command of *EARDULF*.
- 800 *Alchmund*, son of *ALCHRED*, apprehended and killed by command of *EARDULF*.
- 801 Death of *EDWIN*, otherwise *EDA*, whilome a Duke or Ealdorman of the *Northumbrians*, afterwards an abbot.
- 801 *EARDULF* declares war against *COENWULF*, King of the Mercians, in consequence of the latter having harboured his enemies.
- (*Eardulf* banished.) 806 *Eardulf* banished²⁸.
- ALFWOLD. — ALFWOLD succeeds—reigns two years.
- EARDULF. 808 *EARDULF* supported by *Charlemagne*, perhaps restored by him. (Annales Eginhardi.)
- EANRED*. 809 *EANRED*, son of *EARDULF*, succeeds.
- 829 *EANRED* and the *Northumbrians* submit to *Egbert*. (p. cxi.) *Egbert*.
- ETHELRED. — *ETHELRED*, son of *EANRED*, succeeds.
- (*Ethelred* expelled.) 844 *Ethelred* expelled. *REDWULF* usurps the kingdom²⁹, but he and the Consul *ALFRED* (probably sharer in the government) are defeated and slain by the *Danes*, at "*Alvethesleie*," and *ETHELRED* regains his kingdom³⁰.
- REDWULF. *ALFRED*.
- ETHELRED restored.
- OSBERT. 848 } OSBERT succeeds on the death of *ETHELRED*.
849 }
- ELLA. OSBERT. 867 Civil wars. *ELLA*, said to be an usurper, and not of the royal family, obtains part of *Northumbria*³¹.
- Northumbria* attacked by the *Danes*, who invaded *Britain* under the command of *Halfdene*, *Ingwar*, *Hubba* (the sons of *Regner Lodbrok*, Suhm. II. 251) *Bacgsegg*, *Guthrun*, *Oscytel*, *Amund*, and *Sidroc*³².
- The two kings, the "legitimate monarch" and the "tyrant," make peace with each other, and divide the kingdom³³.
- 867—Nov. 1. *Danes* take *York*.
- 868—March 21. *OSBERT* and *ELLA* attempt to recover the city, but are killed in the conflict. *Northumbrians* enter into a treaty with the *Danes*, by whom *EGBERT* is created King of *Northumbria* (i. e. *Bernicia*) to the north of the *Tyne*—reigns six years³⁴.
- 869 *Danes* re-occupy *York*.

diem suscepit ultimum, cujus corpus in ecclesia *Eboracæ* civitatis sepultum est. *Aldred* vero Dux, interfecto *Etheldredi* Regis, a *Thorhtundo* Duce, in ultionem Domini sui Regis, interfectus est.

(Sim. Dun. de Gestis, p. 116.)

²⁸ Unde diu sine Rege fuerunt. (Chron. de Burgo.)

²⁹ Coins struck by "*Redwulf* Rex," during his short reign, are still preserved. (Ruding, pl. 11.)

³⁰ Flor. Hist.

³¹ *Northanhymbri* legitimum Regem suum *Osbyht* nomine, regno expulerunt, et tyrannum quendam, *Ælla* nomine, non de regali prosapia progenitum, super regni apicem constituerunt. (Asser, p. 18.)

Eodem tempore maxima inter *Northanhymbrorum* populos discordia erat succensa, His diebus *Northanhymbrorum* gens, legitimum suæ gentis Regem *Osbyht* vocitatum onomate, de regno hostiliter expulerunt, et tyrannum quendam, nomine *Alla*, super apicem regni constituerunt. Venientibus super regnum *Paganis*, consilio Divino et optimatum adminiculo, discordia illa sedata est. (Sim. Dun. de Gestis, p. 123.)

This is a remarkable passage. It has every appearance of being transcribed, verbatim, from a very ancient, perhaps coeval, writer.

³² Wallingford represents *Ingwar* and *Hubba* as the leaders, and says, that they ravaged the whole country, from East Anglia to the Scottish sea. (p. 533.)

³³ On some of *Osbert's* coins the title of "Rex" is omitted.

³⁴ Prædicti *Pagani*, sub suo dominio Regem *Ecgbertum* præfecerunt. *Ecgbertus* vero regnavit post hæc super *Northymbros* ultra *Tyne* sex annis. (Sim. Dun. p. 142.)

PROOFS AND ILLUSTRATIONS.

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NORTHUMBRIA.

- 872 } *EGBERT* expelled by the *Northumbrians*—restored—dies.
873 } (Sim. Dun. de Gestis, p. 145.)

RICSIG succeeds to *Northumbria* beyond the *Tyne*, or *Bernicia*—reigns three years. *RICSIG*.

- 875 *Danes* under *Halfdane* winter on the banks of the *Tyne*, subdue the country, and plunder the *Picts* and *Britons* of *Strath Clyde*.

- 876 Death of *RICSIG*.

Another *ECGBERT* succeeds, and reigns beyond the *Tyne*, or in *Bernicia*. *EGBERT II*.

HALFDANE settles in *Northumbria*, and divides the kingdom amongst his followers³⁵.

- 883 *Danes* in *Northumbria* without a leader, in consequence of the death of *Halfdane*.

- 883 *GUTHRED*, said to be the son of *Hardacnut*, (the thirty-eighth King of *Lethra*—Suhm. II. 25.) but then a thrall, having been sold into slavery by the sons of *Regner Lodbrok*, redeemed from servitude—acknowledged as king by the *Danes* and *English*. Reigns in *York* [*Deira*], whilst *ECGBERT* is acknowledged as King of the *Northumbrians*³⁶ [in *Bernicia*], both under the supremacy of *ALFRED*. *GUTHRED*.

Territory between *Tyne* and *Tees* given to *St. Cuthbert*³⁷.

- Alfred. 893 } Death of *GUTHRED*, after a prosperous reign (Hist. Dun. II. 14.) *ALFRED*
894 } assumes the government of *Northumbria*³⁸, and the *Pagans* of *Northumbria*, probably under *EOHRIC* or *ERIC*, submit to him. *ERIC*.

- 901 Death of *Alfred*, King of *Wessex*, and supreme Lord of *Northumbria*.

ETHELWALD, the Atheling of *Wessex*, opposes the accession of *EDWARD*, the son of *Alfred*—accepted as king by the *Danes* of *Northumbria*³⁹, who had united into one people with the *English*. *ETHELWALD*.

— *Osbert* expelled from the kingdom⁴⁰.

- 902 *Brehtsig* killed⁴⁰.

ETHELWALD excites the *Danes* to invade *Mercia*. He and *ERIC* are both killed in battle.

³⁵ totam regionem sibimet et suis divisit, et illam cum suo exercitu coluit. (Asser.)

³⁶ It seems about this period, *Bernicia* began to assume the name of *Northumbria*, as distinguished from *Deira*.

³⁷ Tunc Sanctus *Cuthbertus* Abbati *Eadredo* assistens per visionem præcepit, ut Episcopo et omni exercitui *Anglorum* atque *Danorum* diceret, quatinus *Guthredum* filium *Hardecnuti*, quem *Dani* vendiderant in servum cuidam viduæ apud *Hwitingaham* dato præcio, redimerent, et redemptum sibi in regem levarent: regnavitque super *Eboracum*: *Egbert* vero super *Northimbros*. Quod factum est undecimo anno *Elfrido* Regis.....

Tunc et legem pacis quam ipse Sanctus *Cuthbertus* per prædictum abbatem mandaverat; ut scilicet, quicumque ad corpus illius confugerit, pacem a nullo infringendam per xxxvii dies habeat, tam Rex *Guthredus*, quam Rex *Alfredus*, perpetuo conservandam confirmarunt. Quam si quisquam quoquo modo violaverit, sicut pacem regis fractam, nonaginta sex libris multandum censuerunt. Adhuc in augmentum prioris episcopatus, totam inter *Tyne* et *Tesiam* præfati duo reges, omnium consensu, Sancto *Cuthberto*, terram, perpetuo possidendam, addiderunt. Quicumque autem hæc statuta quocumque ingenio infringere temptaverit, hunc infernalibus pœnis tradendum, perpetuo anathemate dampnarunt. Jam enim multo ante defecerat episcopatus *Hagustaldensis* ecclesiæ. (Sim. Dun. de Gestis, pp. 147, 148.)

In Simon's History of Durham (II. 13,) where the vision is given in greater detail, the territory given to *St. Cuthbert* is said to be the land between *Tyne* and *Wear*. The larger boundary, however, is the more consistent with the state of the possessions of the see. The history of this period is extremely obscure, and would require more trouble to elucidate it than I can now bestow.

³⁸ According to the first narrative of Sim. Dun. (p. 134) the *Northumbrians* swore fidelity to him against the *Pagans* who had returned; according to the second (p. 151), the *Pagans* do fealty. The East Anglian *Danes* joined in this submission.

³⁹ The Saxon Chronicle says, "hie hine underfengon to cyng, and him to bugon." Florence and Huntingdon describe his proceedings with more particularity. "*Northumbriam* petit, *Danos* exposuit, ut non tam Ducem se quam commilitonem recipiant, unumque ex collegio suo esse velint, quem in regia mox illi dignitate præficiunt sibi." (Flor. Wigorn. ad an.) "Ivit ad exercitum qui erat in *Northymbria*. Illi vero nobilitati juvenis congaudentes, constituerunt eum Regem et Ducem super Duces suos." (Hunt.)

⁴⁰ Probably two *Northumbrian* Ealdormen or Subreguli, but no further account is given of them.

NORTHUMBRIA.

REGNALD. NIEL.
SIHTRIC.

912 REGNALD, the son of *Ivar*, lands in *Northumbria*—takes the city of *York*—divides great part of the patrimony of *St. Cuthbert* between *Scula* and the "*Holda*," *Olave*⁴¹.

ALDRED, the son of *EADULF*, is expelled from his dominions⁴², and flies into *Scotland*, where he is received by *Constantine*.

919 REGNALD takes the city of *York*.

920 King NIEL killed by his brother SIHTRIC⁴³.

920 Manchester in *Northumbria* fortified and garrisoned by Edward⁴⁴.

Edward.

REGNALD. SIHTRIC.

921 } REGNALD and SIHTRIC, Kings of the Danes, and the Danes and English inhabit-
924 } ing *Northumbria*, accept Edward as their Lord and Father⁴⁵. (p. ccxlv.)

Athelstane.

Accession of Athelstane.

⁴¹ Of this transaction Simon of Durham has preserved two narratives :

Hiis diebus *Elfred* filius *Biritulfinci* fugiens piratas, venit ultra montes versus occidentem, et quæsit misericordiam Sancti *Cuthberti*, et Episcopi *Cutheardi*, ut præstarent sibi aliquas terras. Tunc Episcopus *Cutheardus* pro charitate Dei, et amore Sancti *Cuthberti*, præstitit illi has villas, *Esingtun*, *Seletun*, *Worew*, *Horedene*, *Iodene*, duas *Scotun*, *Iodene* australem, *Holum*, *Hotun*, *Twinlingtun*, *Billingham*, cum suis appendiciis, *Scurufatun*. Has omnes villas, sicut dixi, præstitit Episcopus *Elfredo*, ut sibi et congregationi fidelis esset, et de his plenum servitium redderet. Quod et fideliter fecit, donec *Regenwaldus* Rex venit cum magna multitudine navium, et occupavit terram *Aldredi* filii *Eadulfi*, qui erat dilectus regi *Eadwardo*, sicut et pater suus *Eadulfus* dilectus fuit regi *Elfredo*. Fugatus igitur *Eldredus* in *Scotiam* ivit, *Constantini* regis auxilium quæsit, illum contra *Regenwaldum* regem apud *Corebrige* in prælium adduxit. In quo prælio, nescio quo peccato agente, *Paganus* Rex vincit, *Constantinum* fugavit, *Scottos* fudit, *Elfridum* Sancti *Cuthberti* fidelem, et omnes meliores *Anglos* interfecit, præter *Ealdredum*, et fratrem ejus *Uhtred*. Quibus fugatis, et tota terra superata, divisit villas Sancti *Cuthberti*, et alteram partem versus austrum dedit cuidam potenti militi suo qui vocabatur *Scula*, à villa quæ vocatur *Iodene*, usque ad *Billingham*. Alteram vero partem dedit cuidam qui vocabatur *Oulaf Holda*, *Iodene*, usque ad fluvium *Weorram*. Et hic filius diaboli, inimicus fuit, quibuscunque modis potuit, Deo et Sancto *Cuthberto*. Quodam itaque die, cum plenus immundo spiritu, cum furore intrasset ecclesiam sancti confessoris, astante Episcopo *Cutheardo* et tota congregatione : Quid, inquit, in me potest homo iste mortuus *Cuthbertus*, cujus in me quotidie minæ opponuntur? Juro per Deos meos potentes, *Thor* et *Othan*, quod ab hac hora inimicissimus ero omnibus vobis. Cumque episcopus et tota congregatio genua flecterent ante Deum et Sanctum *Cuthbertum*, et harum minarum vindictam, sicut scriptum est, *mihi vindictam et ego retribuam*, ab eis expeterent : conversus ille filius diaboli cum magna superbia et indignatione voluit egredi. Sed cum alterum pedem possuisset jam extra limen, sensit quasi ferrum in altero pede sibi altius infixum. Quo dolore diabolicum cor ejus transfigente, corruit, suumque peccatricem animam *Diabolus* in infernum trusit. Sanctus vero *Cuthbertus*, sicut justum erat, terram suam recepit. (*Historia Sancti Cuthberti*, p. 74.)

Occupavit quoque totam mox terram Sancti *Cuthberti*, villasque ipsius duobus suis militibus, quorum unus *Scula*, alter *Oulaf Holda* appellabatur, distribuit. Horum *Scula*, à villa quæ vocatur *Iodene* usque *Billingham* sortitus dominium, miseros indigenas gravibus tributis et intolerabilibus afflixit. Unde usque hodie *Eboracenses*, quoties tributum regale solvere coguntur, ei parti terræ Sancti *Cuthberti*, quam *Scula* possederat, in levamentum sui mulctam pecuniæ imponere nituntur. Scilicet legem deputant, quod *Paganus* per tyrannidem fecerat, qui non legitimo regi *Anglorum*, sed barbaro et alienigenæ, et regis *Anglorum* hosti militabat. Nec tamen quamvis multum in hoc laboraverint, pravam consuetudinem huc usque, Sancto *Cuthberto* resistente, introducere potuerunt. Aliam vero partem villarum *Oulaf Holda* occupavit, qui multo quam socius ejus immaniore et crudeliore se in sui perniciem omnibus exhibebat. (*Hist. Dun.* II. 16.)

⁴² According to *Ethelward*, the "barbarians" about this time rose against *Ethered*, who then governed *Mercia* and *Northumbria*—qui tunc regebat *Northymbrias* partes atque *Myrcias*. *Ethelred* of *Mercia* was then dead, and it is difficult to explain this obscure passage.

⁴³ An uncertain date.—The event is also assigned to the years 914 and 921. According to *Huntingdon*, this event happened before the acquisition of *York* by *Regnald*. "*Sidric*, Rex *Nordhumbre*, occidit fratrem suum *Nigellum*; quo scelere patrato, Rex *Reginaldus* conquisivit *Nordhumbre*." The other chroniclers (*Simon* excepted) do not mention the relationship between *Sihtric* and *Niel*. In this instance, therefore, the sources employed by *Simon* and *Huntingdon* were more perfect than those of other early compilers. *Regnald*, *Sihtric* and *Niel* were the sons of *Guthred*. (*Suhm.* II. 448.)

⁴⁴ Misit in *Northumbriam*, *Merciorum* exercitum, ut urbem *Mamcestriam* restaurarent et in ea fortes milites collocarent. (*Flor. Wigorn.* and *Sim. Dun.*) The *Saxon Chronicle* places this fortification of "*Manige-ceastre*," in 923. I doubt, however, whether *Manchester* was ever really included in the kingdom of *Northumbria*.

⁴⁵ It will be observed that the *Saxon Chronicle* seems to place this event in 924, but the other authorities are to be preferred.

925. *SIHTRIC*, married to *Eadgitha*, sister of *Athelstane*, confirmed in the possession of *Bernicia*, or the territory from the *Tees* to *Edinburgh*⁴⁶.

926 } *SIHTRIC* dies. *GUTHFERTH*, his son, succeeds, but attempts to throw off his
927 } subjection (*Wallingford*, p. 541.) and is expelled by *Athelstane*⁴⁷.

REGNOLD continuing to govern his portion of the kingdom, the *Northumbrian* Chieftains⁴⁸ become the men or vassals of *Athelstane*, their homage being performed at *Emmet*, 12th of July (see p. cclv.); and about this time *ERIC* also obtains a great part of *Northumbria*, as the vassal of *Athelstane*⁴⁹.

937 *ANLAF*, *AULAF*, or *OLAVE*, "King of Ireland and the Isles," the son⁵⁰ of *GUTHFERTH*—(*Malm. de Gestis*, p. 26), arrives in the Humber with a mighty fleet, accompanied by his brother-in-law, *CONSTANTINE*, King of the Scots—is defeated in the great battle at *Brunnaburgh*. *AULAF* or *OLAVE* (*Deira*).
REGNOLD (*Bernicia*).

941 Accession of *Edmund*. The *Northumbrians* withdraw their allegiance, and choose *AULAF* or *OLAVE* to be their king—probably in *Deira*⁵¹.

Edmund.

943 *AULAF* [son of *Guthferth*?] invades *Mercia*. Peace concluded between *Edmund* and *Aulaf*, and *Watling-street* assigned as the boundaries of their kingdoms⁵²—*AULAF* to the North, and *Edmund* to the South⁵³. *AULAF*, *ANLAF*, or *OLAVE*.

⁴⁶ *Accepit Sictricus pro regno, a Teisa usque ad Etheneburgam.* (*Wallingford*, p. 540.) A statement liable to some doubt. It is implied by *Huntingdon* and *Bromton* that *Sihtric* possessed *York*, until expelled by *Regnald*.

⁴⁷ *Anno 927. Ethelstanus Rex de regno Britonum, Gudfridum regem fugavit.* (*Sim. Dun.*)

⁴⁸ About this time the *Northumbrians*, aggregated into one nation with the *Cumbrians*, *Scots*, and *Danes*, inclined more to them, than to the *English* of the South. (*Fordun* 203.)

⁴⁹ *Consensus est, ut Eiricus Northumbriam ab Adalsteino in fidem clientelamque acciperet, acceptamque adversus Danorum aliorumque piratarum excursions, Scotos etiam, jam sibi a debellato Olafu vectigales factos, sed semper infidos, tutaretur: cumque uxore et liberis, Christianam religionem amplecteretur. Memoriae proditum est, Northumbriam quintam totius Angliæ partem amplitudine sua confecisse, Eiricumque Blodoxium, Jorvici, seu Eboraci sedem regiam habuisse.* (*Torfæus. Hist. Norweg. IV. 7.*)

This *Eric*, called *Eric "Blodoxe,"* was the son of *Harold Harfager*, King of *Norway*. (*Suhm. II. 502.*) The following passages relate to the transactions, 947, 950 (p. cccxviii.)

Edredo namque reverso, in australes regni sui partes, *Aulaf* qui a regno *Nordhumbre* aufugatus fuerat, rediit cum magna classe in *Nordhumbriam*, et cum gaudio susceptus est a suis, et regno iterum restitutus, quod in fortitudine tenuit quatuor annis. Quarto autem anno solita infidelitate utentes, *Nordhumbri* fugaverunt regem eorum *Aulaf*, et susceperunt *Hirc* filium *Haraldi* in regem. Sed ille iterum brevi tenuit regnum.

Edredus, Rex, septimo anno regni sui receptus est iterum in regno *Nordhumbre*: gens namque patriæ illius dominum diu non perferens, unum tertio anno regni suo *Hirc* filium *Haraldi*, ut leviter acceperat, leviter abjecerat, et regem *Edredum* ad se sponte vocatum, regni sede reponunt.

Edredus Rex, eximius et invictus, cum super omnes partes *Angliæ* tandem Rex solus regnasset, fatis exigentibus, hominem exiit, octavo anno postquam diadematis insigni sublimatus fuerat. (*Hunt.*)

Haraldo successit filius ejus *Eiricus* nomine; qui ex eo quod fratres occidit, cognomen traxit, "Fratrum interfector." Prædictus vero *Haraldus* miserat unum ex filiis suis *Halstano* Regi *Anglorum*, *Hacon* nomine, ut nutriretur, et disceret morem gentis. Ipse vero *Eiricus* ad *Angliam* navigavit, et a Rege honorifice susceptus, ibidem diem obiit. Iste annis tribus regnavit, quorum duos, solus, tertium cum fratre. (*Theod. Monachus de Regibus Norvagicis, cap. II.*)

⁵⁰ According to the *Danish* historians (*Suhm. II. 543*) he is also called the son of *Sihtric*. The recurrence of the same names, amongst these adventurers, renders it impossible to identify them.

⁵¹ *Northimbrenses*, fidelitati quam magnifico Regi *Anglorum* *Eadmundo* debebant, infidelitatem sibi præferentes, regem *Northmannorum*, *Aulafum* sibi in regem eligerunt. (*Flor. Wigorn.*)

Her *Northymbra* alugon hira getreothatha, and *Aulaf* of *Yrland* him to cyngge gecuron. (*Sax. Chron.*)

⁵² Circum eosdem dies *Aulafus*, genere *Norwegiensis*, qui tempore regis *Æthelstani* de regno *North-anhumbriorum* ejectus fuerat, hoc anno, maximo comitatus navigio, *Eboracum* petivit. Deinde *Australes Angliæ* partes hostiliter adiens, subito sibi regnum *Angliæ* subjugare disposuit. Cumque hæc regi *Ead-mundo* nunciata fuissent, venit ei obviam cum exercitu copioso, et apud *Legecestriam* duo reges hostiliter concurrentes, plurima diei parte, damnosum nimis hinc inde prælium commiserunt. Sed duo Archiepiscopi, *Otho* et *Wlstanus* viso utrinque periculo et regni exterminio, talem inter eos concordiam composuerunt, ut *Aulafus* totam *Angliæ* insulam ad borealem plagam stratae regiæ, quæ *Watlinge* dicitur, possideret. *Ead-mundus* vero ad australem ejusdem callis partem, toto regno pacifice frueretur. Et qui inter eos vitam duceret longiorem, regnum totum post mortem alterius occuparet. Deinde *Aulafus*, *Alditham*, *Ormi* Comitissæ filiam, suscepit uxorem, cujus consilio et auxilio fultus, præfatam victoriam est adeptus. (*Flores Hist.*)

⁵³ Pace itaque facta, terminus utriusque Regni erat *Watlinge-strete*. *Edmundus* ad australia partem, *Aulaf* ad aquilonarem regnum tenuerunt. (*Sim. Dun. 134.*)

The two Archbishops, *Odo* of *Canterbury*, and *Wulstan* of *York*, mediated this treaty, and *Aulaf* obtained his advantage much by the aid of Earl *ORM*, whose daughter *Alditha* he married. *Aulaf* died in this year.

(*Olave and Regnald* expelled.)

- 944 } The two kings of *Northumbria*, viz. *AULAF*, son of *SIHTRIC* (who succeeded to
945 } *Aulaf*, son of *Guthferth*), and *REGNOLD*, son of *GUTHFERTH*, being expelled by *Edmund*, he obtains the sovereignty of *Deira* and *Bernicia*.

Edmund.

- 947 Accession of *Edred* to the Empire of *Northumbria*. The Northumbrians renew their homage to him (p. cclxviii.) (49. p. cccxvii.)

Edred.

- 948 } A great council or assembly of the "Proceres" of *Northumbria*, including the Arch-
949 } bishop *Wulstan*, held at *Taddenschiff*, in which they take the oath of fealty to *Edred* (p. cclxviii.) but immediately the Northumbrians break their oaths and pledges, and choose *ERIC*, son of *HAROLD*, who already held *York* by virtue of the grant of *ATHELSTANE*, to be their King. (49. p. cccxvii.)

ERIC.

- 949 } *Edred* ravages *Northumbria*⁵⁴.
950 }

- 950 *ERIC* is abandoned by the Northumbrians, and slain by *MACCUS*, son of *OLAVE*. Northumbrians submit to *Edred*⁵⁵. (49. p. cccxvii.)

- 952 Period of the cessation of the royal title, as given to the dependant sovereigns of *Northumbria*⁵⁶, after which the Province was divided into Earldoms, governed by Earls⁵⁷. (Sim. Dun. de Gestis, p. 135.)

- OSWULF*. 953 *OSWULF* receives the Earldom of *Bernicia*, or *Northumbria* North of the *Tyne*⁵⁷. (Sim. Dun. de Gestis, 204.)

EADWY succeeds to the Empire of *Northumbria*. (p. cclxix.)

About this time the Scots acquired possession of *Edinburgh*, or *Castrum Puellarum*. (See *Picts* and *Scots*.)

- EDGAR*. 957 Northumbrians of *Bernicia*, *Deira*, and *Lothian*⁵⁸, abandon *EADWY*, and choose *EDGAR* as their king (p. cclxix.)

⁵⁴ Pro infidelitate *Northimbrensi*um, egregius Rex *Anglorum* *Edredus* totam *Northimbriam* devastat: in qua devastatione, monasterium, quod dicitur "in *Rhipun*," a sancto *Wilfrido* Episcopo quondam constructum, igne est combustum. Redeunte vero domum rege, exercitus de *Eboraca* erumpens civitate, in loco qui dicitur *Casterford*, de extrema parte exercitus regis multam stragem dedit. Unde Rex nimis offensus, voluit illico redire, et totam illam terram penitus delere. Verum, hoc cognito, *Northimbrenses* timore perterriti, *Ircum*, quem sibi regem præfecerant, abjecerunt: regis injurias, honoribus, detrimenta muneribus expleverunt, ejusque offensam pecunia non modica placaverunt. (Flor. Wigorn.)

⁵⁵ Rex *EIRICUS* in quadam solitudine quæ dicitur *Steinmore*, cum filio suo *Henrico* et fratre *Reginaldo*, proditione *Osulfi* Comititis, a *Maccone* Consule fraudulenter interempti sunt: ac deinde in partibus illis Rex *Eadredus* regnabat. (Flores Hist.)

This passage is one of the many which prove the value of *Flores Hist*. It is not found in the other *Chronicles*, though *Simon* of *Durham* has incorporated the facts in his summary of the *Northumbrian* succession.

⁵⁶ Sed hic paulatim redeamus ad superiora, gratia comitum *Northymbrensi*um, quatinus statu regum *Northanthymbrorum* deficiente, à quibus ceperit provincia illa administrari comitibus agnoscatur. Ultimus regum provincie illius fuit *Eiricus*, quem *Northymbrenses*, violata fide, quam Regi *Eadredo* juraverant, sibi regem fecerunt. Quare offensus Rex, jussit ut tota provincia funditus vastaretur. Illico *Northymbrenses* expulso rege suo atque occiso, à *Macco* filio *Oulafi*, juramentis et muneribus placaverunt regem *Eadredum*, commissa provincia *Osulfo* Comiti. Qui postea regnante *Eadgaro* socium accepit *Oslacum*. Deinde *Osulfus* ad aquilonalem plagam *Tinæ*, *Oslac* vero super *Eboracum* et ejus fines curas administrabat. (Sim. Dun. de Gestis, p. 204.)

⁵⁷ Anno 952. defecerunt hic Reges *Northanthymbrorum*, et deinceps ipsa provincia administrata est per Comites.

Anno 953. Comes *Osulf* suscepit comitatum *Northanthymbrorum*. (Sim. Dun. de Gestis, p. 135.)

Ex quo tempore passa est jugum *Suthanglorum*, *Northumbria*, et Rege proprio et antiqua libertate ad hæc tempora queritur caruisse: porro duo Regna, quia ibi aliquando fuerant, in *Baronias* et *Comitatus* divisa sunt. (Wallingford, p. 541.)

⁵⁸ Wallingford's notice of these three provinces as constituting *Northumbria* is precise: and I see no reason to doubt the general authenticity of the materials employed by him, although he himself appears to have been a confused, and perhaps an ignorant writer.

Consensit in *Eadgarum* pars aquilonaris *Angliæ* ab eodem flumine *Thamisæ*, videlicet *Exsexia*, *Northfolchia*, et tota *Mercia* cum schiris suis, et *Bernicia* et *Deira*—cum *Louthian*—quæ antiquitus duos Reges habebant usque ad *Castellum Puellarum*. (Wallingford, 543.)

- 959 **Edgar**, upon the death of **EADWY**, assumes the government of *Northumbria*, **Edgar**.
Mercia, and *Wessex*⁵⁹.
- 966 **OSLAC** assumes the Earldom of *Deira*, or part thereof. (Sax. Chron.) **OSLAC**.
- 971 **Edgar** assembles a council of the Thanes of *Northumbria*, and promulgates many "capitula" concerning the affairs of the kingdom. **OSWULF** being dead, **Edgar** divides his Earldom into two. From the *Humber* to the *Teese* (*Deira*) is bestowed upon **OSLAC**, who is girt with the sword of the Earldom⁶⁰. From the *Teese* to "*Mireforth*?" (partem videlicet maritimam *Deiræ*) is bestowed upon **EADULF**, surnamed *Ewelchild*. *Lothian* granted about the same time to *Kenneth*, to be held by homage. (Wallingford, p. 544.—see pp. celi. celi.)
- 975 **OSLAC** the "great Earl" banished about this time.
- Ethelred.** 975 { Death of **Edgar**, in the 19th year of his reign over *Northumbria*⁶¹.
Accession of **Ethelred**, who assumes the style of "Patricius" of the Northumbrians⁶².
WALTHEOF, the Elder, Earl of *Bernicia*, or *Northumbria*⁶³. **WALTHEOF I.**
UCHTRED appointed Earl by **Ethelred**, who bestows upon him the Earldom of his father *WALTHEOF*, then still living, and adds thereto the Earldom of *Deira*, or *York*⁶⁴—marries *Elfgiva*⁶⁵, daughter of **Ethelred**. **UCHTRED.**
- 993 Danes ravage *Lindesay* and *Northumbria*—*Frana*, *Frithogast*, and *Godwin*, who appear to have been either Northumbrian or Mercian Ealdormen, but of Danish descent, betray their trust.
- SWEYNE.** 1013 Earl **UCHTRED**⁶⁶ and the Northumbrians submit to **SWEYNE**, who exercises the royal authority in *Northumbria*, *Lindesay*, the *Five Burghs*, &c.

⁵⁹ The rising of Mercia in favour of Edgar appears to have preceded that of Northumbria.

Statuerunt illum regem super omnes provincias ab *Humbrae* magno flumine usque ad flumen *Thamesim*, quo flumine amborum regnum ab invicem dirimebatur. (Osborn, Vita Dunstani, p. 106.)

⁶⁰ According to Sim. Dunelm. and the Chronicle, as above quoted, the appointment or accession of Oslac took place in the lifetime of Oswulf. (See also Sim. Dun. de Gestis, p. 204.) Wallingford is obscure and corrupted.

⁶¹ *Edgar* is accused of having put too much trust in the Pagans who were subjected to him. In hoc tamen peccabat, quod Paganos eos qui in hac patria sub eo degebant nimis firmavit. (Hunt. p. 204.)

⁶² The actual assumption of this title is proved by the act of foundation of Wolverhampton, A. D. DCCCCXCIV*, Indictione 7^a.

Hæc namque decreta *Sigerich*, Archiepiscopus, in placito coram Rege **Ethelredo** et *Eboracensi* Archiepiscopo, et omnibus Episcopis, Abbatibus regionis *Britanniæ* seu Senatoribus, Ducibus et populo terræ proponimus.....

Ego **Ethelredus**, Gratia Dei, Rex *Anglorum* et PATRICIUS *Nordanhymbrorum* consentiens, signo sanctæ crucis subscripsi, in Olimpiade iii regni mei.

Ego *Sigerichus*, nutu Dei, Archiepiscopus Metropolitanæ urbis, et *Dorobernensis* Ecclesiæ.

Ealdulf Eboracensis, Ecclesiæ Archiepsc.

Ealstanus, *Lundoniensis*, Eccl. Episc. *Ealsegus*, *Wintoniensis*, Eccl. Episc. *Wlfsi*, *Scireburnensis*, Eccl. Episc. *Ordberht*, *Seolsinensis*, Eccl. Episc. *Ealfwold*, *Cridianensis*, Eccl. Episc. *Siegar*, *Fontaniensis*, Eccl. Episc. *Elfrich*, , Eccl. Episc. *Ealdred*, *Cornubiensis*, Eccl. Episc. *Esui*, *Doreancesternensis*, Eccl. Episc. *Ealpheu*, *Licedfeldensis*, Eccl. Episc. *Hathulf*, *Herefordensis*, Eccl. Episc. *Godwine*, *Hrofensis*, Eccl. Episc.

Bricnoth, Abbas. *Germanus*, *Floriacensis* Ecclesiæ Monachus et Abbas. *Cenulf*, Abbas. *Elfwi*, Abbas. *Elfric*, Abbas. *Elfward*, Abbas. *Leofric*, Abbas, qui et alio nomine *Ethelnoth*, vocatur. *Ælfwine*, Abbas. *Ethelric*, Abbas. *Briththelm*, Abbas. *Wlfric*, Abbas.

Wlfsie, Diaconus. *Ealward*, Diaconus.

Leofwine, Dux. *Ethelweard*, Dux. *Elfric*, Dux. *Leofsie*, Dux. *Elfhelm* Dux *Transhumbranae* Gentis. *Æthelmer*, Comes.

Wlfgeat, Min. *Wlfheah*, Min. *Ethelric*, Min. *Ethelnoth*, Min. *Ethelweard*, Min. (Mon. VI. 1446.)

⁶³ The period of *Waltheof's* accession is uncertain. According to Sim. Dun. he succeeded *Oswulf* and *Oslac*. For his genealogy, see Pedigree.

⁶⁴ So that he was said to be possessed of two Earldoms, York and Northumbria. (Sim. Dun. de Successione.)

⁶⁵ Wallingford, p. 546.

⁶⁶ Comes *Anglicus*, sed *Danis* subditus. (Ford. 247.)

* In the printed text, MCCCCXCVI, an error, as is shown by the Indiction.

NORTHUMBRIA.

- 1016 *Northumbria* occupied by CANUTE, upon the division of the Empire between him and EDMUND Ironside. CANUTE.
- Earl UCHTRED submits to Canute⁶⁷, takes the oath of fealty, and gives pledges to him. *Thorbrand Hold* slays UCHTRED by the orders of the Danish king. Canute.
- ERIC or IRIC. 1017 ERIC or IRIC, appointed Earl of all *Northumbria* by Canute⁶⁸, but EADULF CUDEL, brother of UCHTRED, succeeds nevertheless to the territorial authority of his kinsman. EADULF cedes such rights as he possesses in *Lothian*, to the Scots.
- ALDRED. 10... ALDRED, son of UCHTRED, by *Ecgfrida*, the daughter of Bishop *Aldred*, succeeds (uncertain) to *Northumbria* on the death of EADULF—kills *Thorbrand*, and some time afterwards is killed himself by *Charles*, *Thorbrand's* son.
- 1035 HAROLD Harefoot acknowledged as King of *Northumbria* and *Mercia*⁶⁹. HAROLD.
- HARDACNUTE appointed King of the Danes (in England as well as Denmark) by Canute. (Flor. Wigorn.) HARDACNUTE.
- EADULF. EADULF succeeds on the death of his brother ALDRED, but to the prejudice of *Elfreda*, daughter of *Aldred*, who was entitled to the Earldom by hereditary right (see p. ccxxii. Note ⁷⁰.)—ravages the Britons of *Strath Clyde*—killed by *Siward*⁷⁰.

⁶⁷ Comes vero *Uchtredus*, domum festinanter rediit, et, necessitate compulsus, ad *Canutum* cum omnibus *Northymbrensibus* se contulit, et obsides ei dedit, et tamen ejus jussu vel permissu a *Turebrando* nobili et *Danico* viro est peremptus, et cum eo *Turketellus Navenæ* filius: quo patrato, *Canutus Eiricum* pro *Uchtredo* comitem posuit. (Sim. Dun. de Gestis, p. 172.)

..... His successit *Waltheof* senior, qui successorem habuit filium *Uchtredum*. Is, cum regnante *Agelardo* Rex *Canutus* hostiliter invaderet *Northymbriam*, necessitate compulsus, se cum suis ad *Canutum* contulit; factoque juramento et obsidibus datis, peremptus est a quodam *Dano* prædivate *Thurbrando* cognomento *Hold*, permittente *Canuto*, in cujus locum frater ejus *Eadulf Cudel* substituitur. Reliquerat autem Comes *Uchtredus* tres filios, *Aldredum*, *Eadulfum*, *Cospatricum*, quorum duo primi Comites fuerunt *Northanhymbrorum*, alter post alterum. Tertius vero, sine comitatus honore, habuit filium *Uchtredum*, cujus filius erat *Eadulfus* cognomento *Rus*. (Sim. Dun. de Gestis, p. 204.)

A more detailed account is given in Simon's Treatise de Successione (p. 79), in which it is stated that the Earl had refused to assist *Canute* against *Ethelred*, and was enabled to stand firm in his refusal. He yielded so far, however, as to take the oath of fealty to the Dane; (De Gestis, p. 203.) but that after *Ethelred's* death, being summoned to appear before *Canute*, as his lord and sovereign, he was assassinated in the king's hall, by the Danish soldiers, who were lying in wait for him. The appointment of *Eric* is twice mentioned, first on the death of *Uchtred*, and again on the division of England into four parts. Taking the passages together they seem to warrant the supposition that *Eric* was a royal Earl or Viceroy, to whom *Eadulf* was subordinate, in the same manner as he would have been to the king.

⁶⁸ Hoc anno, Rex *Canutus* totius *Angliæ* suscepit imperium, idque in quatuor partes divisit, *West Saxoniam* sibi; *East Angliam*, *Turkillo* Comiti; *Merciam*, *Edrico* Duci; *Northumbriam*, *Irco* Comiti. Fœdus etiam cum principibus et omni populo ipse, et illi cum ipso percusserunt, et amicitiam firmam inter se juramentis stabilierunt, omnesque veteres inimicitias postponentes sedaverunt. (Flor. Wigorn.)

..... primis diebus regni sui, regnum in quatuor partitus, sibi *West Saxones*, *Edrico Mercios*, *Turkillo Orientales Anglos*, *Iricio Northanhymbrorum*. (Malm. II. 6.)

⁶⁹ *Haroldus* Rex *Merciorum* et *Northanhymbrorum*, ut per totam regnaret *Angliam*, a principibus et omni populo Rex efficitur. (Flor. Wigorn.)

⁷⁰ The exact period of *Siward's* accession is uncertain. The following is one of the many charters in which he appears as a member of the witenagemot.

HARTHACNUT, divina irridente gratia, Rex *Anglorum* et æque totius *Albionis*.

Ego *Harthacnut*, Rex totius *Bryttanniæ*, præfatam meam donationem cum sigillo sanctæ crucis regali stabilimento affirmavi.

Ego *Ælfgyfu*, ejusdem regis mater, hanc regalem donationem cum tropheo agiæ crucis ovanter divulgavi.

Ego *Eadsinus*, Archiepsc. triumphalem agiæ crucis tropheum hoc regio muneri gaudenter impressi.

Ego *Ælfricus*, Archiepsc. presul, hanc territoriam scedulam signo sanctæ crucis diligenter adsignare curavi.

Ego *Ælfwinus*, *Wintoniensis*, Episc. consolidavi. Ego *Beorhtwoldus*, *Wiltoniensis*, Episc. coadunavi.

Ego *Ælfweardus*, *Lundoniensis*, Episc. corroboravi. Ego *Lyfingus*, *Cridiensis*, Episc. confirmavi.

Ego *Æthelstanus*, *Herfordensis*, Episc. consigillavi. Ego *Eadnothus*, *Dorsensis*, Episc. conscripsi.

Ego *Duduco*, *Willensis*, Episc. consensi. Ego *Grimkillus*, *Australium Saxonum* Episc. condixi.

Ego *Wulfsinus*, *Licetfeldensis*, Episc. conclusi. Ego *Brihtwinus*, *Scirburnensis*, Episc. commodum duxi.

Ego *GODWINE*, Dux. Ego *LEOFRIC*, Dux. Ego *SIWERD*, Dux. Ego *THURIG*, Dux.

Ego *Ælfwine*, Abb. Ego *Athelwerd*, Abb. Ego *Siwerd*, Abb. Ego *Leofsige*, Abb. Ego *Æthelstan*, Abb. Ego *Alfstan*, Abb.

Ego *Osgod*, Min. Ego *Ordgar*, Min. Ego *Thurgils*, Min. Ego *Odda*, Min. Ego *Brihtic*, Min.

Ego *Carl*, Min. Ego *Attser*, Min. Ego *Thured*, Min. Ego *Ælfstan*, Min. Ego *Bryxsige*, Min.

(Museum Charters, 73, C. 8.)

PROOFS AND ILLUSTRATIONS.

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NORTHUMBRIA.

1042 *SIWARD* becomes Earl of *Northumbria* about this time—under the supremacy of *HARDACNUTE*—married to *Elfleda*, daughter of *Aldred*—governs all *Northumbria* from the *Humber* to the *Tweed*⁷¹. (Sim. Dun. de Successione. Flor. Wig.)

1051 *SIWARD*, assists *Edward* the Confessor against *GODWIN*.

1054 *SIWARD*, by the command of *Edward* the Confessor, leads a great army into *Scotland*.

1055 Death of *SIWARD*, who is buried in the monastery of *Galmanho*, which he had founded—his Earldom given to *TOSTIG*, who takes the same, not by hereditary right, but by virtue of the King's grant⁷².

1059 *TOSTIG* (together with the Archbishop of York, and *Ailwine*, Bishop of Durham) conducts *MALCOLM* to *Edward*⁷³.

1064 *Cospatric*, *Gamel*, the son of *Orm*, and *Ulf*, the son of *Dolfin*, slain.

1065—Nov. 30. *TOSTIG* expelled from the Earldoms of *York* and *Northumbria*⁷⁴.

⁷¹ *Eadulfus* Comes efficitur *Northymbrensi*, qui cum superbia extolleretur, *Britones* satis atrociter devastavit. Sed tertio post anno, cum ad *Hardecnutum* reconciliandus in pace venisset, interfectus est a *Siwardo*, qui post eum totius provincie *Northanhymbrorum*, id est, ad *Humbra* usque *Tuedam*, comitatum habuit. (Sim. Dun. de Gestis, 204.) The exact date of *Siward's* accession is uncertain; but it took place before 1041, for in that year he joined the other Earls of England in punishing the disobedience of *Worcester*. (Flor. Wigorn.)

⁷² *Tosti*, *Northanhymbrorum* Comes, qui post *Siwardum*, non hereditaria successione, sed Regis *Edwardi* donatione, obtinuit comitatum. (Flores Hist. p. 219.)

⁷³ *Kinsi*, *Eboracensis* Archiepiscopus, *Egelwinus*, *Dunelmensis* Episcopus, et *Tosti* Comes *Eboraci*, duxerunt Regem *Malcolmum* ad Regem *Edwardum*. (Sim. Dun. de Gestis.)

⁷⁴ Soon after this, all the Thanes in *Yorkshire* and in *Northumberland* gathered themselves together at *York*, and outlawed their Earl, *Tostig*, slaying all such of his retainers as they could reach, both Danish and English, and took all his weapons in *York*, with gold and silver, and all his treasure that they could any where there find. They then sent after *Morcar*, son of Earl *Elgar*, and chose him for their earl. He went south with all the shire, and with *Nottinghamshire*, and *Derbyshire*, and *Lincolnshire*, till he came to *Northampton*, where his brother *Edwin* came to meet him with the men that were in his earldom. Many *Britons* also came with him. *Harold* also there met them; on whom they imposed an errand to King *Edward*, sending also messengers with him, and requesting that they might have *Morcar* for their earl. This the king granted; and sent back *Harold* to them, to *Northampton*, on the eve of *Simon* and *St. Jude*, and announced to them the same, and confirmed it by hand, and renewed there the laws of *Knute*. But the Northern men did much harm about *Northampton*, whilst he went on their errand; either that they slew men, and burned house and corn; or took all the cattle that they could come at; which amounted to many thousands. Many hundred men also they took, and led northward with them; so that not only that shire, but others near it, were the worse for many winters. Then Earl *Tostig* and his wife, and all they who acted with him, went south over sea with him to Earl *Baldwin*, who received them all, and they were there all the winter. (Sax. Chron. Ingram's Translation, p. 252.)

Malmesbury intimates that *Harold* was compelled to desist from supporting his brother, in consequence of the imposing attitude of the Northumbrians. *Tosti*us à rege *Edwardo*, post mortem *Siwardi*, *Northanimbricæ* comitatus prælatus, pene decennio provincie præfuit: quo exacto, asperitate morum, *Northanimbricos* in rebellionem excitavit. Solitarium enim repertum, ex regione fugaverunt, pro contuitu ducatus, occidendum non arbitrati: homines ejus et *Anglos* et *Danos* obtruncarunt, equos et arma, et suppellectilem omnem corradentes. Rumore ad regem delato, turbataque patria, *Haroldus* ivit obviam, ut propulsaret injuriam. *Northanhimbri*, licet non inferiores numero essent, tamen quieti consulentes, factum apud eum excusant, se homines libere natos, libere educatos, nullius Ducis ferociam pati posse, a majoribus didicisse aut libertatem aut mortem. Proinde si subditos velit, *Morcarium* filium *Elgari* eis præficiat Rex, expertum quam dulciter sciant obedire, si dulciter tractati fuerint. Hæc *Haroldus* audiens, qui magis quietem patriæ quam fratris commodum attenderet, revocavit exercitum, et adito rege firmum ducatum *Morcario* constituit, *Tosti*us, infensus omnibus, cum uxore et liberis *Flandriam* abiit, ibique interim usque ad *Edwardi* obitum fuit. (Lib. II. c. 13.)

Edwinus et *Morcarus* erant fratres, filii *Elfgari* filii *Leofrici*. Hi comitatum *Northanhimbriæ* susceperant, et communi umbone pacifice tuebantur. Nam (ut prædixi) paucis diebus ante mortem regis Sancti *Edwardi*, provinciales aquilonis in rebellionem surrexerant, et *Tosti*um Comitem suum expulerant, petierantque et acceperant unum e fratribus dominum, annitente *Haroldo*. Fiebant ista, ut à consciis accepimus, infenso rege, quia *Tosti*um diligeret. Sed morbo invalidus, senio gravis, pene jam despectui omnibus haberi cœperat, ut dilecto auxiliari non posset. Quare, ex animi ægritudine majorem valetudinem corporis contrahens, non multo post decessit. (Malm. III. 1.)

1065 Dein post festivitatem Sancti Michaelis Archangeli, quinto nonas Octobris, feria secunda, *Northimbrenses* Ministri, *Gamelbearn*, *Dunstanus* filius *Athelvethe*, *Glouicorn* filius *Heardulfi*, cum ducentis militibus *Eboracum* venerunt, et pro execranda nece nobilium *Northimbrensi*um ministrorum, *Gospatrici*, quem regina *Eadgitha* germani sui *Tosti*i causa in curia regis, quarta nocte dominicæ Nativitatis, per insidias occidi jussit, et *Gamelis* filii *Ormi*, ac *Ulf*i filii *Dolfini*, quos, anno præcedente, *Eboraci*, in camera sua, sub pacis fœdere, per insidias Comes *Tosti*us occidere præcepit, necnon pro immensitate tributis, quod de tota *Northumbria* injuste acceperat, eodem die primitus illius *Danicos* *Huscarls*, *Amundum* et *Ravensuartum* de fuga

NORTHUMBRIA.

- MORCAR. [EDWIN?] 1066 The Earldoms granted or confirmed by Edward to MORCAR, [and EDWIN?] upon the request of the Thanes of Northumbria. The laws of Canute are renewed.
- 1066 Northumbrians refuse to acknowledge the authority of Harold.
(Malm. in Vita Wulstani, p. 253.)
- MORCAR. OSWULF. 1066 MORKAR grants the Earldom of Bernicia, or Northumbria beyond the Tyne, to OSWULF, the son of Earl EADULF. MORKAR imprisoned by William the Conqueror, and the Earldom of OSWULF given by the King to COPSI⁷⁵, an adherent or ally of Tostig.
- COPSI. March.—COPSI slain by OSWULF, having held the Earldom during five weeks. OSWULF killed in the following autumn.
- ROBERT COMYN. 1069 William gives the Earldom of Northumberland to ROBERT COMYN, but he is slain at Durham. Edgar Atheling advances as far as York. The inhabitants submit to him.
- COSPATRIC. COSPATRIC, son of Alghitha, daughter of Earl UCHTRED, and claiming to be entitled to the Earldom by hereditary right, obtains livery thereof, by payment of large sums of money to William the Conqueror⁷⁶.
- 1069 Earl COSPATRIC resists the Northmen. Northumbria dreadfully wasted by the Conqueror. The whole country between York and Durham entirely desolated.
- WALTHEOF II. 1072 Cospatric deposed by the Conqueror (p. cccxxxii.) WALTHEOF, who was the son of Earl SIWARD, by Elfreda, daughter of Earl ALDRED, succeeds to the Earldoms of Yorkshire and of Northumbria, to which he was entitled, both through his father and his mother⁷⁷ (et cum Elfreda esset comitissa, quoniam erat filia Aldredi comitis, &c.—Sim. Dun. p. 82.)
- 1073 WALTHEOF revenges the death of his grandfather ALDRED, by killing the sons of Charles, in a banquet at Seterington⁷⁸.
- 1075 WALTHEOF beheaded by the command of William the Conqueror. Bishop WALCHER appointed to govern the Earldom⁷⁹.
- 1080 Bishop WALCHER killed by the Northumbrians, May 14.
- ALBERIC. 1080 ALBERIC appointed Earl of Northumbria—resigns from incapacity.
(Sim. Dun. p. 205.)
- ROBERT de MOUBRAY. 1081 Earldom of Northumbria given to ROBERT DE MOUBRAY.

retractos extra civitatis muros, ac die sequenti plusquam ducentos viros ex curialibus illius in boreali parte Humbri fluminis peremerunt. Aerarium quoque ipsius frugerunt, ac omnibus quæ illius fuerant ablatis, recesserunt. Omnes dehinc fere comitatus illius in unum congregati, Haraldo Westsaxonum Duci, et aliis quos Rex, Tostii rogatu pro pace redintegrata ad eos miserat, in Northamptonia occurrerunt. Ubi prius, et post apud Oxenefordam, die festivitatis Apostolorum Simonis et Judæ, dum Haraldus et alii quamplures comitem Tostium cum eis pacificare vellent, omnes unanimi consensu contradixerunt, ac eum, cum omnibus, qui legem iniquam statuere illum incitaverant, exlegaverunt: et post festivitatem Omnium Sanctorum cum adiutorio Comitum Eadwini de Anglia Tostium expulerunt. (Flor. Wigorn.)

⁷⁵ Hic idem Copsi, quamvis brevi tempore, provinciæ Northanhinbrorum, scilicet illorum qui ad septentrionalem plagam fluminis Tini habitant, jubente Willielmo rege, Procurator est factus.

(Sim. Dun. Hist. Dunelm. III. 14.)

⁷⁶ Quo mortuo, Cospatricius filius Maldredi filii Crinani, Willielmum Regem adiens, multa emptum pecunia, adeptus est Comitatum Northymbrensiū. Nam ex materno sanguine attinebat ad eum honor illius Comitatus. Erat enim ex matre Alghitha, filia Uchtrede Comitum, quam habuit ex Algiva filia Agelredi Regis. Hanc Alghitham pater dedit in conjugium Maldredo filio Crinani. (Sim. Dun. de Gestis, p. 205.)

⁷⁷ Waltheof held the Earldom, "sicut ipsius Waltheofi avus, scilicet, Comes Aldredus."

(Sim. Dun. de Successione, p. 82.)

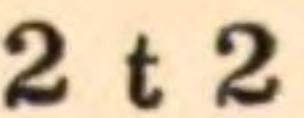
Walthevus Comitatum Northumbriæ et Eboracensis provinciæ possidebat. (V. S. Walthevi Abb. p. 250.)

⁷⁸ Interjecto tempore, nepos Aldredi Comitum, Comes Waltheof, erat enim filius filie illius, missa multa juvenum manu, avi sui interfectionem gravissima clade vindicavit. Erant namque filii Carl convivantes in domo fratris sui majoris, in Seterington, non longe ab Eboraco, quos inopinate, qui missi fuerunt, præoccupantes, sæva clade simul peremerunt, præter Cnutonem, cui pro insita illa bonitate vitam permiserunt—Sumerlede, qui usque hodie superest, ibi non aderat. (Sim. Dun. de Succ. p. 82.)

⁷⁹ Rather as a Regent, than as Earl, "cura comitatus committitur Walchero Episcopo." (Sim. Dun. 205.)

[In the accompanying genealogy, the descent of Waltheof I. from Oswio, is given on the authority of an ancient collection of historical excerpts relating to Northumbria (Bib. Cott. Claud. D. vii.) transcribed in the fourteenth century. Like all ancient genealogies, it may be liable to doubts. The subsequent descents rest upon the authority of Simon of Durham.]

cccxxiii



North and South Burton.

NORTH AND SOUTH BURTON.

Puch. *Adda.* 686 *Puch*, Comes, or "Gesith" of *North Burton*, and *Adda*, Comes or "Gesith" of *South Burton*, about this time¹. (Bede IV. 4.)

Bamborough (Bernicia?)

BAMBOROUGH. (BERNICIA?)

ALDRED. 912 *ALDRED*, the son of *EADULF*, expelled from his territories by the Danes (see p. cccxvi.—Sim. Dun. Hist. Sancti Cuthberti, 79.)
EADULF. 914 Death of *EADULF*, King or Ruler of *Bamborough*².
ALDWULF. 926 *ALDWULF* expelled by *Æthelstane* (p. ccxlv.)
ALDRED. 926 *ALDRED* of *Bamborough* becomes the Man of *Æthelstane*³.

Holderness?

HOLDERNESSE?

ULF. *ULF*, the son of *Thorald*, the munificent benefactor of York Cathedral, is described as having ruled in the "Western parts of Deira⁴." This "Consul et insignis Comes," however, had many possessions in Holderness, and other parts of the shire.

The Chronicles do not enable us to ascertain the dominions held by the other chieftains, who are noticed in the disturbed annals of Northumbria. Tradition has preserved the memory of *Wada*. His strong hold is supposed to have stood near Whitby. "Afterwards he fell into a disorder which killed him, and was interred here, on a hill between two solid rocks, about seven feet high, which being at twelve feet distance from each other, occasions a current opinion, that he was of a giant-like stature." (Gibson's Camden, 907.)

As is so frequently the case, the popular tale seems to have united the memory of a real chieftain to the fictions of a hero of romance. *Wade* the giant is a distinguished character in that most curious assemblage of Northern traditions, the Niflunga Saga.

¹ Bede describes these individuals at "Comites," but Alfred did not consider the term in this instance as implying a title of dignity, for in such case he would have designated them as "Ealdormen." That they were possessors of North and South Burton, rests upon the authority of the Muniments of the Minster, and the ancient Life of St. John of Beverley.

(See Smith's Note to the passage above quoted, and Leland Coll. III. 100.)

² According to Ethelward (III. 4,) he died two years after the death of Ethelred, Ealdorman of Mercia. Biennii quippe transeunte statu, obiit *Athulf* in *Northumbriis* oris qui tum præerat actori oppida *Bebanburgh*. But the chronology of this very obscure and enigmatical writer offers as many difficulties as his style.

³ See page ccxlv. in which he is ranked amongst the Kings of the Island of Britain. Is he not the father of *Waltheof*?

⁴ Dominabatur *Ulphus* ille in occidentali parte *Deiræ*, et propter altercationem filiorum suorum seniores et juniores, super dominiis post mortem, mox omnes fecit æque pares. Nam indilatam Eboracum divertit, et cornu quo bibere consuevit, vino replevit, et coram altare, Deo et beato *Petro* Apostolorum principi, omnes terras et redditus, flexis genibus, propinavit. (Camden, quoting an ancient author.)

STRATH CLYDE, CUMBRIA, and the NORTHERN
BRITONS¹.

STRATH CLYDE, &c.

—? *CUNEDDA WLEDIG*², in *Gododin*.—*Eneon Urdd*, [his son?] King of *Cumbria*.

—? *TUDWALL*, or *TOTAL*³,—descended from *Maximus*.

487 In this year *St. Donnan*, who was afterwards killed in the Island of *Egg*, is said to have visited the "*Brittano-hiberni*." (*Acta Sanctorum* Apr. Vol. II. p. 487.)

—? [*URIEN*.]

520 *NAU*, *CAU*, or *CAUNUS*, King of *Alchuyd*, the father of *St. Gildas*, about this time.

—? *HOEL*, or *CUILLUS*, his son, succeeds him in the kingdom.

547 Battle of *Cattraith*—about which time *Gododin* or *Lothian* is supposed to have been won by the Saxons.

561 *RODARCHUS*, or *RHYDDERICH Hael*³, the "*Munificent*," descendant of *TUDWALL*, reigned about this time.

—? *MORKEN*, King or Tyrant of *Cumbria*⁴.

—? *URIEN*, King of *Cumbria*, and Lord of *Reged*.

¹ Various opinions have been formed as to the extent of the kingdom of Strath Clyde. Pinkerton limits it to the shires of Dumbarton, Renfrew, and Lanark. (*Enquiry*, Vol. II. p. 81.) Ritson adds Kyle, Cunningham, and Stirling. Chalmers extends the North-Cumbria, or Strath Clyde, from the Kirshope, the Eden, and the Solway on the south, to the Upper Forth and Loch Lomond on the North; and from the Irish Sea and Firth of Clyde, which washed its western shores, it ranged eastward to the limits of the Merse and Lothian. (*Caledonia*, I. 237.) This description includes Galloway, or the country of the Southern Picts; but this, though it may have been sometimes subjected to Strath Clyde, was a distinct realm. Ecclesiastical divisions furnish the surest clue to ancient geography; and Galloway, which constituted the Bishopric of Whithorn, or Candida Casa, was not annexed to Glasgow till the extinction of the former see. The "*inquisitio Davidis*," taken in 1118, but adopting the language of a much earlier period, describes Cumbria as "*sita inter Angliam et Scotiam*," being nearly the expression employed by Adomnan in his life of *St. Columbanus* (c. 11.) But this "*Anglia*" is the country called also *Saxonia* in the earliest Scottish Chronicle, not England, but the Lothians. And the position of Clydesdale between Lothian on the one side, and Kintyre and Argyle (probably the *Scotia Nova* of the biographer of *St. Cadröe*) on the other, is sufficient to warrant the general assertions of the ancient writers, whose notions of geography were very loose and inaccurate; it is a hopeless task to attempt to extract any precise topography from the works of those who never saw a map. Malmesbury describes Dover as being on the mouth of the river Thames. *Southern Cumbria* appears to have included modern Cumberland, Westmoreland, Lancashire, and part of Yorkshire. Leeds was the frontier town between the British and Anglo-Danish territories. (*Vita Sancti Cadröe*, cap. II.)

² According to a manuscript quoted by Mr. Gunn, in his valuable edition of Nennius (p. 120,) *Cunedda* lived towards the close of the fourth century. *Tudwall* acts a prominent part in the life or legend of *St. Ninian*, by Ethelred, Abbot of Rivaulx. He was one of the many kings who then reigned in Britain.—Whithorn, or Candida Casa, was within his dominions, and the description of the territory which he governed, seems to show that he ruled Galloway, together with Strath Clyde.

³ The notices concerning the life of this monarch are deduced from two very discordant sources—the legends of *St. Kentigern*, and the traditions or fables of the bards. *Rhydderch*, *ap Tudwal-Tuglud*, *ap Cedig*, *ap Dyfnal Hen*, *ap Ednyfed*, *ap Maxen* (*Llwyd Eræ Cambrobr.* p. 142) will be recollected as the contemporary and kinsman of *Merlin the Wild*. (See Scott's *Sir Tristram*.) That he is the *Rhydderch* of the legend appears from the mention of *Lailocen*, the demented Seer. But, according to that prediction, he was married to *Langwrith*, who may have been his wife before, or after, or at the same time, with the lady of the romantic tale. He is one of the four British kings who were engaged in war with *Adda* of *Bernicia* and his successors. *Urien* is placed after *Rhydderch* by the British antiquarians, and *Gwenlliog* and *Morgant* are thought to have reigned near the Clyde. It is possible that they all reigned contemporaneously.

⁴ *Quidam Tyrannus vocabulo Morken, Cambrensis Regni solum ascenderat, &c.* In his reign the bishopric of Glasgow was founded by *Kentigern*. He is stated to have died at *Thorp-Morken*. Ritson exclaims against this Saxon name—but is it not one of the proofs that some Teutonic population had already settled in the North?

—? *Gwenlliog*.

—? *Morgant*.

—? *LEWARC HEN*, Prince of *Argoed*.

—? *ENEON BRENNIN*⁵, a great prince in the North.

[The preceding period is extremely obscure, and the succession of the monarchs is most dubious; the following may be considered as resting upon better historical evidence.]

625 *CERDIC*, King or Prince of *Elmet*, a territory apparently dependant upon *Cumbria*—expelled from his dominions by *Edwin*, about this time⁶.

641 *OWEN*, or *HOAN*, King of the Britons, kills *Donald Brec*, King of *Albania*⁷.

657 *GURCET*, King of *Strath Clyde*, dies⁸.

685 About this time, *Egfrid* of *Northumbria*, having acquired the dominion of *Cumbria*, grants *Carlisle* and other territories to St. Cuthbert. (p. cccxi.)

—? [*OWEN*, or *AINU*, King of *Strath Clyde*.]

693 *DONALD I.* King of *Strath Clyde*, son of *Owen*, dies⁹.

—? [*ELPHIN*, son of *Gwythno*, King of *Strath Clyde*.]

710 } Battles between the Britons and the "Dalriads," in which the former are conquered.
766 } (Ann. Ult.)

721 *BILE*, son of *ELPHIN*, King of *Strath Clyde*, dies⁸.

749 A great battle between the Picts and the Britons. (Ann. Ult.)

750 *Kyle* reduced by *EADBERT*, King of *Northumbria*. (Bede, Lib. V. App. p. 224.)

756 Aug. 1.—*Alclud* besieged by *EADBERT*, King of *Northumbria*, and *Unnust*, King of the Picts—Britons surrender.

843 }
859 } *KU* or *CAW*, King of the Britons of *Strath Clyde*.

866 } Britons stated to have been expelled by the Saxons (the place is not mentioned) and
870 } *CONSTANTINE*, their king, killed⁹. About this time the *Strath Clyde* Britons are said to have established a colony in *Cumbria*.

869? *Alclud* destroyed by *Olave* and *Ingwar*, who ravage the country.

871 } *ARTGHA*, King of the Britons of *Strath Clyde*, killed by *CONSTANTINE II.* son
872 } of *KENNETH*, and King of the Scots and Picts.

882 }
893 } *EOCHA*, the son of *KU* or *CAW*, becomes King of the Scots¹⁰.

900 *DONALD II.*, King of the Britons of *Strath Clyde*.

—? *DONALD III.*, the son of *Aodh*, the Fair Haired, son of *Kenneth*, and brother of *CONSTANTINE III.* King of Scots, chosen King of the Britons of *Strath Clyde*¹¹.

⁵ According to Wynne's *Caradoc*, he was the son of *Owen Danwyn*, the son of *Eneon Urdd*.

⁶ *Hereric*, the "nepos" of *Edwin*, when an exile, was harboured in the dominions of "*Cerdic Rex Britonum*." (Bede IV. 23.) Perhaps this circumstance indicates the cause of the war which led to *Cerdic*'s expulsion. The conquest of *Elmet* is only noticed by the genealogist (p. cccix. Note⁶), whose obscure paragraph is singularly confirmed by the casual hint of *Bede*.

⁷ Ann. Ulton. p. 49. *Domhnall Brece*, according to *Cumminus de Virtutibus S. Columbæ*, was the "nepos" of *Aidan*.

⁸ *Mors Gurcit Regis Alocuaithe—Domhnall Mac Ainu Rex Alocuate moritur. Bile Mac Eilpin Rex Alocuate moritur.* (An. Ult. pp. 53, 65, 77.)

⁹ From Wynne's *Caradoc* and *Llwyd*.

¹⁰ *Eochodius filius Ku Regis Brittanorum*, nepos *Cinadei* ex filia, regnavit annos undecim. (Chron. Pict.)

¹¹ Et mortui sunt *Dovenaldus*, Rex *Britanorum* (et *Dovenaldus* filius *Ed* Rex eligitur) et *Flance* filius *Mael*, &c. (Chron. Pict.)

- 920 } *EOCHA, OWEN*, or *EUGENIUS*, Tanaist, or heir apparent of the Scots, appointed
921 } King of *Cumbria*, by *CONSTANTINE*, who enacts that the Kingdom of *Cumbria*
shall be held by the Tanaist for the time being, and surrendered when he succeeds
to the crown¹².
- 920 } The King of the Britons of *Strath Clyde* [*EUGENIUS* ?] becomes the man of
921 } *Edward* the Elder, who enjoys the title of King or Ruler of the Britons (see
p. ccxliii.) This date is preferable to 924, as given in some of the Chronicles.
- 935 *EUGENIUS*, or *OWEN*, King of the Cumbrians, defeated by *Athelstane*.
(p. ccxlvii.)
- 937 } *EUGENIUS*, King of *Cumbria*¹³, again defeated by *Athelstane*, together with the
938 } King of the Scots, &c. in the great battle of *Brunnaburgh*.
- 945 *DONALD IV.*, or *DUMNHAIL*, the son of *EUGENIUS*, expelled from *Cumbria*
by *Edmund*. (p. ccxlvii.) The kingdom granted by the victor to *MALCOLM I.*
King of Scots, upon condition of military service. *MALCOLM* makes a subinfeudation thereof to *INDULF*, afterwards King of Scots¹⁴. (See p. ccxlvii. Note²⁷.)
- 945 The King of the Cumbrians¹⁵ takes the oath of fealty to *Edred* upon his accession.
- 953 *INDULF* having succeeded to the crown of the Scots, the kingdom of *Cumbria*
devolves upon *DUFF*, eldest son of *MALCOLM I.*, and Tanaist of the Scots. He
performs the "accustomed" homage to *Edred* (see p. ccxlviii.) and continues King
of *Cumbria*, until his accession to the crown of the Scots.
- 970 *ANDERACH*, a King of the Britons of the North about this time¹⁶.
- 970 *MALCOLM II.*, son of *DUFF*, and Tanaist of the Scots, admitted as King of *Cum-*
bria by *Edgar*, to whom he performs homage (p. ccli.), attends the court of
Edgar as one of the "Primates Regni." *Edgar* claims the supremacy of the
"Cumbrian sceptre." (p. cclii.)
- 973 *MALCOLM II.* renews his homage to *Edgar* at Chester.

¹² *Constantinus* autem, regni sui anno decimo sexto, dedit *Eugenio* filio *Dovenaldi*, proximo sibi successori sperato, regendum *Cumbriae* regionis dominium, usquequo regni diadema post ejus mortem fuerit obtentus, ac, eo rege coronato, suus heres proximus ad idem succedat dominium; et sic ab herede semper in regem coronato, statim suo successori proximo, dominium, hujusmodi successionis ritu, deinceps transferatur. (Fordun, I. 200.)

¹³ *EUGENIUS* Rex *Cumbrorum*. He is also called *Ewin* and *Oswin*. (Sim. Dun.—p. ccxvi.)

¹⁴ 974 *Domhnall Mac Eoghain Ri Breatan* in *ailitri* mortuus est.—*Donaldus* filius *Eogani* Rex *Britonum* in peregrinatione mortuus est. (An. Ulton. Scriptores R. Hibernicarum, IV. 280.)

975 *Cumda, m. Domhnall Mac Eoain Ri Bretain, &c.* *Donaldus*, filius *Hoani* Rex *Britonum*, mortuus est in peregrinatione. (Tigernach. SS. Rer. Hib. II. 259.)

This *Donald* is evidently the *Dunwallon*, Prince of *Strath Clyde*, who went in pilgrimage to Rome—(Caradoc, 64, Llwydd, 41, 87,) and the passages, taken together, prove the important fact, that the King of *Cumbria*, expelled by *Edmund*, with the aid of *Llewellyn*, was the Scoto-British Prince, the son of *Eugenius*.

¹⁵ In *Flores Hist.* (p. ccxlviii.) his name is not mentioned. Fordun (p. ccxlviii. Note²⁸) says that *Malcolm* performed homage by *Indulf*.

¹⁶ He was the son of *Donald*—but it is difficult to point out his father amongst the many who bear that name, nor is it certain that he was the King of *Strath Clyde*, though he probably held part of the kingdom. *Culen*, King of Scots, was his contemporary, and slain by him in battle.

Culen Mac Indulf.....interfectus ab *Andarch* fil. *Dovenald* propter filiam suam, in *Laudonia*. (Nomina Regum, &c. Innes, p. 977.)

Culen Ring. et frater ejus *Eochodius*, occisi sunt a *Britonibus*. (Chron. Pict.)

970 *Culen Mac Illuib, Ri Albain*, domarbh do *Bretnaib* irroscatha.—*Culenius* filius *Idulphi* Rex *Albaniae* occisus a *Britonibus* in praelio. (Ann. Ult. ut supra, p. 278.)

In the rythmical Chronicle, the British king is named *Radhard*, and the forcible abduction of his daughter by *Culen* is said to have been the cause of the war.

..... vir fuit insipiens.

Fertur apud *Louias* illum truncasse *Radhardus*,

Pro rapta nata, quam sibi Rex rapuit.

The exact *Chalmers* (*Caledonia*, I. 393) has given a strange expansion to the brief notices of *Culen*'s fate and misdeeds.

[989?] Upon the death of *MALCOLM MAC DUFF*¹⁷, *KENNETH* sends his son *MALCOLM* to *Æthelred*. *MALCOLM III.* is admitted as Regulus of Cumbria upon the usual conditions.

1000 *MALCOLM III.*, King of Cumbria, refuses to contribute to the payment of Dane-gelt, and alleges that he is only bound to render military service. Upon his refusal *Æthelred* ravages Cumberland¹⁸. (p. ccliii.)

— *DUNCAN*, grandson of *MALCOLM III.*, becomes Regulus of *Cumbria*, marries the daughter of Earl *Siward*—refuses allegiance to *Canute*, as not being the legitimate or rightful King of England. *Canute* invades Scotland, 1033, peace concluded, upon condition that the Regulus of *Cumbria* shall perform homage to *Canute* and his successors. (p. cclvi.)]

1018 [*EUGENIUS CALVUS*, Rex Lutinensium vel Clutinensium¹⁹.]

1033 *MALCOLM IV.*, or *CANMORE*, appointed King of *Cumbria*, by his father, *Duncan*, upon the accession of the latter to the Scottish crown.

1105 } About this time, "*Cumbria*" (or so much of it as was then comprehended in the
1126 } Bishopric of Glasgow) was held by the "Comes" or Princeps "*DAVID*," son of *Malcolm*. (Inquest concerning the possessions of the Church, &c. See *Innes* and *Pinkerton*.)

¹⁷ The period of the accession of Malcolm, the son of Kenneth, is not given. But it was probably not long before the death of his father, fixed by the Scottish historians in 994. The death of "Malcolm, the son of Donald," King of the Northern Britons, is stated in the Irish Annals to have happened in 997, *Maelcolain M' Domhail R. Bretain tuaisc. t. m. Maelcolumbanus filius Donaldi, Rex Brittonum borealium, mortuus est.* (Tigernach.) As this Malcolm is not mentioned elsewhere, it may be conjectured that he is the same as Malcolm, the son of Duff, and that the year of his death is misplaced.

¹⁸ The invasion is thus told by Florence:—Rex *Æthelredus* terram *Cumbrorum* fere totam depopulatus est. Hic sua classe mandavit, ut circumnavigata septentrionali *Britannia*, in loco constituto sibi occurrerit, sed, vi ventorum præpeditus, non potuit: insulam tamen quæ *Moneye* dicitur, devastavit. The other Chroniclers are to the same effect.

¹⁹ So called in *Sim. Dun.* Perhaps he held only a part of the country.

Amongst the proofs of the subjection of Strath Clyde to the Archbishopric of York, and, as such, within the limits of the Empire of the ancient *Northumbrian* Kings (p. cccxi. Note¹³), are the following notices, extracted from Stubbes. (*Actus Pontificum Eboracensium*.)

(De *Kinsio* Archiepiscopo.)

1051 Vicesimus tercius successit regis *Edwardi* capellanus, *Kinsius*. Iste, *Magsuein* ad Ecclesiam *Glescuensem* ordinavit Episcopum: similiter, successorem illius *Magsuein*, *Johannem* ecclesiæ subrogatum consecravit, et ab eis cartam professionis accepit, quæ in conflagratione *Eboracensis* ecclesiæ a *Normannis* facta, cum ornamentis et libris et privilegiis et cæteris cartis combustæ sunt. (p. 1700.)

Quod *Thurstinus* Archiepiscopus coram Apostolico clamorem fecerit de *Johanne Glesguensi* adversus se rebellante.

Quia vero *Johannes Glesguensis* Episcopus, ibi in curia præsens erat, *Thurstinus* Archiepiscopus clamavit se de eo, coram Apostolico, eo quod ipse *Johannes* in *Eboracensi* ecclesia sicut suffraganeus ejus electus, et per literas suas a Papa *Paschali* consecratus, postea nec propter literas ejusdem papæ *Paschalis*, neque *Kalixti*, quas ibi recitari fecit, quicquid obedientiæ vel reverentiæ ei voluit exhibere: similiter et de Episcopis *Scotiæ* conquestus est. Persuasum fuerat Papæ, *Scotiam* non esse de regno *Angliæ*, quia volebant pallium requirere Episcopo Sancti *Andreae*, et ita Archiepiscopum ibi creari. Sed Archiepiscopus *Turstinus*, et secreto et palam, in curia ostendit, *Scotiam* de regno *Angliæ* esse, et regem *Scotorum* ligium hominem regis *Angliæ* esse. *Glesguensis* autem Episcopus querelæ Archiepiscopi ita respondit, se non venisse vocatum, et in legatione domini sui regis *Scotiæ* ibi esse. Decretumque est diem illi statuere, et Episcopos *Scotiæ*, et absentes per literas domini Papæ summonere. (p. 1719.)

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Canterbury contested the supremacy; and in the epistle addressed by Archbishop Ralph to Pope Calixtus, advocating his own claims against Archbishop Thurstan, he argues in support of the authority vested in the successors of St. Augustine. But without deciding between the prelates, the assertion of either metropolitan is equally in testimony of the dominion possessed by the Anglo-Saxons over the British community.

At vero de *Glesguensi*, breviter intimandum, quod est antiquorum *Britonum* episcopus, quos beatus pater *Gregorius*, singulatim episcopo *Cantuariensi* subjectos fore decrevit, cujus, viz. ecclesiæ episcopus, sicut a majoribus natu illorum traditur, usque ad hæc *Normannorum* tempora, vel ab episcopo *Scotorum*, vel *Gualensium Britonum* consecrari solebat. (p. 1742.)

Interea *Girardus Eboracensis*, miserrima et subita morte defungitur, et in locum ejus, vir valde castus, et bene literatus, *Thomas junior* subrogatur; qui, non longe post hæc, defuncto in pace Christianissimo viro *Anselmo* Archiepiscopo, professus sanctæ et primæ Ecclesiæ *Cantuariensi*, consecratus est in *Lundonia* ab ejus urbis Episcopo. Is itaque, quendam *Britonem*, *Glesguensi* ecclesiæ ordinavit episcopum, quæ jam pene præter memoriam non habuerat episcopi solatium; de quo episcopo sciendum, quia sicut prædictum est, si antiquorum *Britonum* episcopus est, secundum beati *Gregorii* decreta, *Cantuariensis* ecclesiæ suffraganeus: quod si forte propter provinciæ viciniam, licet mutato et loco et populo, idem *Pictorum* episcopus debet putari, nihilominus ecclesiæ *Cantuariensi* suffragatur. (p. 1746.)

PICTS AND SCOTS.

PICTS AND SCOTS.

- 574 Accession of *AIDAN*, the son of *GAVRAN*, "King of the Scots inhabiting Britain," who reigned thirty-four years¹.
- 603 Defeat of *AIDAN* by *Ethelfrith*. [The *Dalriads* subject to the latter?] (p. cccix.)
- 617 *EANFRID*, and the other Athelings, sons of *ETHELFRITH*, take refuge amongst the Scots. (Bede III. i.)
- Edwin* obtains the supremacy of the *Picts* and *Scots*. (p. cccix.)
- 635 *Oswald* acknowledged as Bretwalda by the *Picts* and *Scots*. (pp. cccix. ccx. Note 8.)
- 642 *Oswio*, Bretwalda, rules the *Picts* and *Scots*. (p. cccix.)
- 656 *TALORGAN*², King of the *Picts*, son of *EANFRID* of Northumbria, dies.
- 685 *ECGFRID* defeated by *BRUDEI*, King of the *Picts*—the latter recover a part of their territory, which had been occupied by the Northumbrians.
- 756 *EADBERT*, in alliance with *UNNUST*, King of the *Picts*, takes the city of *Alcluyd*.
- 882 *EOCHA*, son of the King of *Strath Clyde*, by the daughter of *KENNETH MAC ALPINE*, becomes King of the Scots.
- 904 *CONSTANTINE III.* son of *AODH*, King of the Scots.
- 921 *CONSTANTINE* and the Scots become the vassals or men of *Edward* the Elder. (p. ccxliii.)
- 926 *CONSTANTINE* defeated by *Athelstane*, and compelled to surrender his kingdom, which is restored to him by the victor. *CONSTANTINE* becomes the vassal of *Athelstane*. (pp. ccxlv. ccxvi.)
- 934 *Athelstane* invades the country of the Scots, defeats *CONSTANTINE*, who gives his son as a hostage. *Constantine* attends the court of *Athelstane*. (p. ccxvi.)
- 937 } Battle of *Brunnaburgh*. *CONSTANTINE*, and his son-in-law *Anlaf*, *Aulaf*, or
938 } *Olave*, and *OWEN*, King of *Strath Clyde*, defeated by *Athelstane*. (p. ccxlvii.)
- 945 *Cumbria* granted to *MALCOLM* by *Edmund*, upon condition of military service. (p. ccxlviii.)
- 946 *MALCOLM* and the Scots take the oath of fealty to *Edred*. (p. ccxlviii.)
- 953 *INDULF*³, King of *Cumbria*, succeeds to the kingdom of the Scots—obtains possession of *Edinburgh*, which, from henceforth, continues in possession of the Scots—the northern parts of *Lothian* were probably occupied by the Scots about the same time.
- 971 *Lothian* granted or confirmed by *Edgar* to *KENNETH*, who claimed the same as his dominion, and as belonging, by right of inheritance, to the Kings of Scotland. This transaction took place pursuant to the judgment of the "Proceres" of the court of *Edgar*, and *KENNETH* received the Benefice or Læn, upon condition of performing homage, and protecting the inhabitants in the enjoyment of their laws and usages. (p. ccli.)

¹ Nomina Regum apud Innes. This *Aidan* is the "*Aidan Fradaug*" of the Britons. (Llwyd.)

² Mors *Tolargain Mac Ainfrid* Regis Pictorum. (Ann. Ulton. p. 53.)

³ *Indulfus* tenuit Regnum octo annis; in hujus tempore oppidum *Eden* vacuatum est, ac relictum est *Scottis*, usque in hodiernum diem. (Chron. Pict.)

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- 971 *KENNETH*, by the titles of "*Rex Scottorum*," or "*Rex Albanicæ*," attends the Witenagemots of *Edgar*. (pp. ccli. cclii.)
- 973 *KENNETH* renews his homage to *Edgar* at Chester.
- 1020 *EADULF CUDEL* surrenders a further portion of *Lothian* to *MALCOLM II.*—probably the *Merse*. (p. cccxx. Sim. Dun. p. 81.)
- 1032 The *Scots* rebel against *Canute*, by whom they are soon reduced to obedience.—*MALCOLM II.*, King of the *Scots*, and two other Scottish Kings or "*Reguli*," *Maelbeth* and *Jemarch*, submit to *Canute*. (p. cclv.)
- 1054 *MALCOLM III.* restored to the kingdom of the *Scots* by the command and assistance of *Edward* the Confessor (p. cclvii.) to whose dominion the *Scots* are subjected⁴.
- 1068 *MALCOLM III.* about this time marries *Margaret*, grand-daughter of *EDMUND Ironside*, and, ultimately, legitimate heiress to the rights of the *Anglo-Saxon* crown. He had been betrothed to her in the lifetime of the Confessor, and, as her dowry, had received a confirmation of *Lothian*. (p. cccxxxiii.)
- 1068 } *MALCOLM III.*, King of the *Scots*, refuses his obedience to *William* the Con-
1069 } queror, who deposes his son, *Robert*, to enforce the submission which was due to him. The military tenants of *England* are summoned, amongst whom is *Adelelm*, Abbot of *Abingdon*, and *William* instructs his son to offer peace or war. Peace, in case of obedience—war, if the *Scots* should refuse. The King of *Scots* meets the *English* forces in *Lothian*, and acknowledges that the dominion of *Scotland* is subject to the crown of *England*⁵.
- 1069 *Rex Scotiae, Malcolmus*, subesse Regi *Willielmo* eo tempore detrectabat. Quare coacto in unum exercitu, Rex filium suum *Robertum* majorem natu, *Scotiam* sua vice transmisit; cum quo et plures *Angliae* primates, quorum unus Abbas *Adelelmus* fuit, præcipiens eis pacem armare offere,—pacem, si obtemperantia sibi spondeatur, sin aliter, arma. Verum Rex ille, *Lodoniis* occurrens cum suis, pacisci potius quam præliari delegit. Perinde ut regno *Angliae* principatus *Scotiae* subactus foret, obsides tribuit. Quo pacto inito, Regis filius, cum exercitu ad patrem hilaris repedavit. (Lib. Abb.—Bib. Cott. Claud. C. IX. p. 135.)
- 1072 In the sixth year of King *William's* reign he invaded *Scotland* with a great force, both by land and sea—*MALCOLM* advances to meet him at *Abernethy*, and becomes his man⁶.

⁴ That *Edward's* authority over the *Scots* was considered as adding greatly to his glory, may be ascertained from the ode or elegy upon his death, published, for the first time, by Mr. Ingram, in his valuable edition of the *Anglo-Saxon Chronicle*.

Her <i>Edward</i> Cyng,	Here <i>Edward</i> King,
Engla Hlaford,	Lord of the Angles,
Sende soþfæste	Yielded up his steadfast
Sawle to Criste.	Soul to Christ.

And he,—hælotid!	And he,—a prosperous time!
Hæleþa wealdend,	Exalted Ruler
Weold wel geþungen	Of Heroes, swayed
Walum and <i>Scottum</i> ,	Welch and <i>Scots</i> ,
And Bryttum eke,	And Britons eke,
Byre Ethelredes.	Son of <i>Ethelred</i> !

⁵ This important transaction, which is related with great obscurity by *Ordericus Vitalis* (p. 511), is told clearly and distinctly in the *Book of Abingdon*. In consequence of the abbot being personally present, the compiler of that most authentic and valuable volume was, without doubt, better acquainted with the circumstances than other writers could be, who had not the same sources of information. Lord Hailes, in his text, suppresses all notice of the invasion, or its consequences, but he satisfies his conscience by inserting the passage of *Ordericus* in a note, without translation, but with a few remarks, in which he informs us, that he holds "*Ordericus Vitalis* to have been an ignorant blundering monk,"—a summary mode of refuting historical evidence. For *William's* general assertion of the dominion over the *Scots*, see the preamble to his *Laws*. (Wilkins, p. 217.)

⁶ As there can be no doubt whatever respecting the main facts of this expedition, it is of little importance to examine the details. Gibson supposes the "*Gewæde*" to be the *Tweed*, and the *Firth of Forth* and the *Solway* have each their advocates. As to *Abernethy*, after many conjectures, Lord Hailes seems to think that it must be sought for in the northern parts of *Scotland*. Amongst the other testimonies, the harangue of

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1072 This year King William conducted his ship-force and his land-force to Scotland, and beset the land on the sea-coasts with ships, and led on his land-force "æt tham Gewæde."—And King *Malcolm* came and made peace with King *William*, and gave hostages, and became his man—"and gislas sealde, and his man wæs." (Sax. Chron.)

1072 Sexto namque anno *Willielmi* Regis, duxit idem Rex exercitum per terram et per mare in *Scotiam*, et eam ex parte maris cum puppibus obsedit, et exercitum suum per terram apud *Scodwade* introduxit.... Rex vero *Malcolm* venit contra eum, et concordatus est cum eo, et dedit illi obsides, et homo suus devenit. (Ann. Waverlienses.)

Isti sunt, isti sunt utique qui nobis quondam non resistendum sed cedendum putarunt, cum *Angliæ* victor *Willielmus*, *Laodoman* (i. e. *Loadoniam*), *Calatriam**, *Scotiam*, usque ad *Abernath* penetraret, ubi bellicosus ille *Malcolmus*, deditione factus est noster. Address of Walter Lespec to the Anglo-Norman army previous to the battle of the Standard. (Ethelred, p. 339.)

1072 Duxit Rex exercitum terra et mari in *Scotiam*, *Melcolm* vero Rex *Scottorum*, homo suus effectus est, et obsides eo dedit. (Hen. Hunt.)

1072 *Willielmus* *Scotiam* intravit, cui occurrens Rex *Malcolmus* in loco qui dicitur *Abernithi*, homo suus devenit. (Mailros.)

1072 Post Assumptionem Sanctæ *Mariæ*, Rex *Willielmus* habens in comitatu suo *Edricum* cognomento *Silvaticum*, cum navali et equestri exercitu, *Scotiam* profectus est, ut eam suæ subjugaret ditioni. Graviter namque Rex *Scottorum* *Malcolmus* eum offenderat, quia ut supradictum est, anno præterito regni sui terminos atrociter depopulatus fuerat. Sed ubi Rex *Anglorum* *Scotiam* intraverat, Rex *Malcolmus* ei in loco qui dicitur *Abernithi* occurrit, et homo suus devenit. Rediens autem inde *Willielmus*, *Cospatricum* comitatus honore privavit, imponens illi quod consilio et auxilio affuisset eis, qui comitem cum suis in *Dunelmo* peremerant, licet ipse ibidem præsens non fuisset, et quia in parte hostium fuisset, cum *Normanni* apud *Eboracum* necarentur. (Sim. Dunelm. de Gestis.)

1072 Post Assumptionem Sanctæ *Mariæ*, Rex *Anglorum* *Gulielmus*, habens in comitatu suo *Edricum* cognomento *Silvaticum*, cum navali et equestri exercitu, *Scotiam* profectus est, ut eam suæ ditioni subjugaret; cui Rex *Scottorum* *Malcolmus*, in loco qui dicitur *Abernithia* occurrit, et homo suus devenit. (Flor. Wigorn.)

Pertransiens etiam tunc, et ultra progrediens inclytus Rex *Willielmus* in *Scotiam*, eam sibi subiecit, et *Malcolmum* Regem ejus, sibi hominum facere et fidelitatem jurare apud *Abernithi* coegit. Reversusque in *Angliam*, apud *Londonias* hominum sibi facere et contra omnes homines fidelitatem jurare omnem *Angliæ* incolam imperans, totam terram descripsit, &c.

(Ingulphus, p. 79.)

1072 Rex *Willielmus*, *Scotiam* hostiliter adiens, speravit aliquos ibi, ex suis hostibus invenire, sed cum regionem illam perlustrasset, et nullum penitus invenisset, accepto tandem Regis *Scotorum* cum obsidibus homagio ad *Angliam* remeavit. (Matt. Par.)

1091 **MALCOLM III.** rebels against **William Rufus**—denies the service which is due to him, and invades *Northumbria*. **William**, then recently returned from *Normandy*, immediately sends his brother *Robert* against the *Scots* with large forces, both by land and sea. A considerable portion of the naval armament is dispersed by a storm; many of the troops are starved with cold and hunger; yet the *English* advance into *Lothian*, where they are met by **MALCOLM** and his army. According to some historians, **MALCOLM** was terrified into immediate submission: others represent him as preparing to make a stout resistance:—but the result was, that King **MALCOLM** repaired to King **William**, and became his Man, and took the oath of fealty—and obeyed King **William Rufus** as he had obeyed his father, the Conqueror,—and King **William Rufus** thereupon undertook to restore to **MALCOLM** all that he had held under his father, being, amongst other possessions, twelve townships, and a yearly fee of twelve marks of gold⁷.

Walter Lespec is deserving of particular attention. "According to the most general and probable opinion," Lord Hailes adds, "this homage was done by Malcolm for the lands which he held in England." The reader, who has all the evidence before him, will be best able to judge of this probability.

⁷ It will be seen from the following extracts that the narrative of Ordericus Vitalis differs in many particulars from the relations of the other historians, who also differ from each other. But there are no material contradictions in any one of the narratives sufficient to throw any doubt upon the general course of the transaction. The only point in Ordericus Vitalis to which any serious objection can be raised, is the assertion concerning Margaret. But "nubere" merely implies to betroth; and though such betrothing is not noticed elsewhere, it may be doubted whether we are therefore bound to discredit a circumstance so likely to have occurred. Lord Hailes thus sums up the result:—"Malcolm consented to do homage to William—William "consented to restore twelve manors which Malcolm had held under the Conqueror, and to make an annual "payment to him of twelve marks of gold; the payment was probably in lieu of some other lands which "the Scottish King claimed, and the English was unwilling to surrender." It will be observed, that Lord Hailes has forgotten to notice, that the homage was such "in all things" as had been rendered to the Conqueror.

* *Calender*, according to Lord Hailes, but perhaps *Galwaiam*.

1091 Interea, mense Maio, *Scotorum* Rex *Malcolmus*, cum magno exercitu *Northimbriam* invasit: si proventus successet, ulterius processurus, et vim *Angliæ* incolis illaturus. Noluit Deus: ideo ab incepto est impeditus. Attamen antequam rediisset, ejus exercitus de *Northimbria* secum modicam prædam abduxit. Quo audito, Rex cum fratre suo *Roberto* rediit *Angliam*, mense *Augusto*; non multo post cum classe non modica et equestri exercitu *Scotiam* profectus est, ut regem *Scotorum* *Malcolmum* debellaret. Sed priusquam illuc pervenisset, paucis diebus ante festivitatem *Sancti Michaelis* fere tota demersa est classis, multique de equestri exercitu ejus, fame et frigore perierunt. Cui Rex *Malcolmus* cum exercitu in provincia *Loidis* occurrit. Quod videns Comes *Robertus*, Clitonem *Eadgarum* (quem Rex de *Normannia* expulerat, et tunc cum Rege *Scotorum* degebat) ad se accersuit. Cujus auxilio fretus, pacem inter reges fecit ea conditione, ut *Gulielmo* (sicut patri suo obedivit) *Malcolmus* obediret: et *Malcolmo* duodecim villas (quas in *Anglia* sub patre illius habuerat) *Gulielmus* redderet, et duodecim *Marcas* auri singulis annis daret. (Flor. Wigorn.)

1091 Whilst the King *William* was out of England, the King *Melcolm*, of Scotland, came hither into England, and overran a great deal of it, until the good men that governed this land sent an army against him, and repulsed him. When the King *William* in Normandy heard this, then prepared he his departure, and came to England, and his brother, the Earl *Robert*, with him; and he soon issued an order to collect a force, both naval and military; but the naval force, ere it came to Scotland, perished almost miserably, a few days before St. Michael's Mass. And the king and his brother proceeded with the land force; but when the King *Melcolm* heard that they were resolved to seek him with an army, he went with his force out of Scotland, into *Lothian* in England, and there abode. When the King *William* came near with his army, then interceded Earl *Robert* and *Edgar* Etheling, and so made the peace of the kings, that the King *Melcolm* came to our king, and became his man, promising all such obedience as he formerly rendered to his father; and that he confirmed with an oath. And the King *William* promised him in land, and in all things whatever he formerly had under his father. In this covenant was also *Edgar* Etheling united with the king. (Ingram's Sax. Chron. p. 304.)

1092 In illo tempore *Malcolma* Rex *Scotorum* contra regem *Anglorum* rebellavit, debitumque servitium ei denegavit. Porro *Guillelmus* Rex, postquam in *Normannia*, ut supra retulimus, cum *Roberto* fratre suo pacem fecerat, ipsumque contra infidos proditores, qui contra Regem conspiraverant, secum duxerat, exercitum totius *Angliæ* conglobavit, ut usque ad magnum flumen, quod *Scotte Uatira* dicitur, perduxit. Sed quia inaccessibilis transitus erat, super ripam consedit. Rex autem *Scottorum* e regione cum legionibus suis ad bellandum paratus constitit, Regique *Anglorum* per internuntios ista mandavit. Tibi, Rex *Guillelme*, nihil debeo, nisi conflictum si a te injuriis lacessitus fuero. Verum si *Robertum* primogenitum *Guillelmi* Regis filium videro, illi exhibere paratus sum quicquid debeo. His auditis, ex consultu sapientum, *Robertus* Dux cum paucis militibus transfretavit; Rex autem *Scottorum* benigniter illum suscepit, secumque tribus diebus amabiliter detinuit. Tunc super quendam montem excelsum Ducem deduxit, et inde in quadam planitie ingentem exercitum armatorum ei ostendit. Deinde inter duos montes eundem ex alia parte minavit, et in alio campo maiorem exercitum ei demonstravit. Talibus, inquit, stipatus cuneis *Scotiæ*, paratus sum fratrem tuum suscipere, si huc ad me presumpserit transfretare. Utinam velit nos aggredi, et missilium nostrorum acumen experiri! Fateor, quod Rex *Eduardus*, dum mihi *Margaritam* proneptem suam in conjugium tradidit, *Lodonensem* comitatum mihi donavit. Deinde *Guillelmus* Rex, quod antecessor ejus mihi dederat concessit, et me tibi primogenito suo commendavit. Unde quod tibi promisi conservabo. Sed fratri tuo nihil promisi, et nihil debeo. Nemo, ut Christus ait, potest duobus Dominis servire. *Robertus* respondit: Ut asseris, ita est. Sed mutationes verum factæ sunt, et statuta patris mei a pristina soliditate in multis vacillaverunt. Nunc igitur, inclyte Rex, adquiesce mihi, et mecum ad fratrem meum veni, inveniesque apud eum dulcedinem bonique affluentiam; quia vicinior est et potentior, et majorem habet divitiarum copiam. His itaque promissis, Rex credulus effectus est, et peractis colloquiis cum Rege pacificatus est. Deinde Reges agmina sua remiserunt, et ipsi simul in *Angliam* profecti sunt.

(Ord. Vitalis, p. 701.)

1092 Interea *Melcolm* Rex *Scottorum*, prædatum veniens in *Angliam*, valedissime vexavit eam; venientes igitur in *Angliam* Rex *Willielmus*, et cum eo *Robertus* frater suus, direxerunt acies in *Scotiam*. Itaque *Melcolm* nimio timore perstrictus homo Regis effectus est, et jramento fidelitatis ei subjectus. (Hen. Hunt. Lib. VII.)

1093 **MALCOLM III.** repairs to *Gloucester*, for the purpose of confirming the peace with *William*. The latter demands that *MALCOLM* shall do right to him in his court, according to the judgment of his Barons: but *MALCOLM* refuses, professing his readiness at the same time to submit to judgment on the Border, where the Kings of *SCOTLAND* had been accustomed to "do right" to the Kings of *England*, and according to the judgment of "Primates" of the two kingdoms^a.

^a The following is Lord Hailes' narrative: "It would seem that Malcolm remonstrated against this measure (the erection of the castle of Carlisle), and that the English nobles were solicitous to preserve the tranquillity of the two nations. A personal interview of the King was proposed; for that purpose Malcolm repaired to Gloucester (Aug. 24.) William required him to do homage there, in presence of the English

1093 Rex *Scottorum Malcholmus*, die festivitatis Sancti *Bartholomei* Apostoli Regi *Willielmo* juniore, ut prius per legatos inter eos statutum fuerat, in civitate *Glaworna* occurrit, ut sicut quidam primatum *Anglia* voluerunt, pace redintegrata, stabilis inter eos amicitia firmaretur. Sed impacati abinvicem discesserunt. Nam *Malcholum* videre, aut cum eo colloqui, præ nimia superbia et potentia, *Willielmus* despexit. Insuper etiam illum, ut secundum iudicium tantum Baronum suorum in curia sua rectitudinem ei faceret, constringere voluit; sed id agere nisi in regnorum suorum confiniis, ubi reges *Scottorum* erant soliti rectitudinem facere regibus *Anglorum*, et secundum iudicium primatum utriusque regni, nullo modo *Malcholum* voluit.

(Sim. Dun. p. 218.)

In the Saxon Chronicle, which agrees in substance with the above, it is added, that William summoned the King of Scots to Gloucester. "And se Cyng *Willelm* him steofnode to Gloweceastre."

1093 } Shortly after the death of *Margaret*, the widow of *MALCOLM CANMORE*,
1094 } *DONALDBANE*, his brother, is called to the succession of the Scots. *DUNCAN II.*, the son of *MALCOLM*, then serving under *William Rufus*, in *England*, applies to him, praying that he would be pleased to grant him the kingdom of his father (or, in the legal phrase, prays to have livery of his inheritance.) *William* accedes to the request, and *DUNCAN*, having taken the oath of fealty, repairs to *Scotland*, with a force of English and Norman troops, expels *Donald-bane*, and reigns in his stead⁹.

1097 *DUNCAN II.* having been assassinated, *DONALDBANE* regains the crown. Upon which *William Rufus*, as soon as he returns to *England*, sends *Edgar Atheling* with a great army into *Scotland*. *Edgar* occupies the country, and expels *Donald*, and gives possession of the realm to *EDGAR*, the son of *MALCOLM*, who is appointed King, in fealty, or in subjection to *William*¹⁰.

1097 Also in this same year, soon after Michaelmas, went *Edgar Etheling*, with an army, by the King's command, into *Scotland*, and with hard fighting won that land, and drove out the King, *Dufnal*; and his nephew *Edgar*, who was son of King *Melcolm* and of *Margaret* the Queen, he there appointed king, in fealty to the King *William* (Gibson translates "sub ditione Regis *Angliae*"); and afterward again returned to *England*. . . . And his mæg *Eadgar* je pær *Mælcolmer* runu Cýnger, and *Marganite* his *Cpenan*, he þær on þær Cýnger *Willmelmer* heldan, to Cynge gerette, and riþþan on gear into *England* for.

(Ingram's Sax. Chron. p. 317.)

"William Rufus commiserated the forlorn state of the family of *Malcolm III.* With his approbation and aid, *Edgar Atheling* assembled a body of troops. He marched into *Scotland*, overcame *Donald*, and placed *Edgar*, the son of *Malcolm*, on the throne of his ancestors." (Hailes.)

Barons. This *Malcolm* absolutely refused, but he offered to do homage, as the use had been, on the frontiers, and in presence of the chief men of both kingdoms. *William* was advised by some of his counsellors to detain the King, but he rejected the suggestions of cowardly policy, and dismissed him."

This version of the story contains a most material error. *William* did not demand that *Malcolm* should perform homage, but that he should make amends for some offence (real or supposed) which he had committed. "Facere rectitudinem" has no other sense. If the explanation of Lord Hailes be admitted, the admission would make more strongly against the Scots; for it would import that the Kings of the Scots were accustomed to render an unqualified homage to the Kings of the English. And if such homage was to be rendered in respect of lands in *England*, such would assuredly have been expressed with as much care as the place in which it is to be performed. However, it is clear that the passage relates to the settlement of complaints preferred by the suzerain against the vassal, and I must add, not by the vassal against the suzerain, for no reciprocity is expressed or implied.

⁹ Qua mortua [*Margareta*] *Dufenaldum* Regis *Malcholmi* fratrem, *Scotti* sibi in regem elegerunt et omnes *Anglos* qui de curia Regis extiterunt de *Scotia* expulerunt. Quibus auditis, filius Regis *Malcholmi Dunechan*, regem *Willielmum* cui tunc militavit, ut ei regnum sui patris concederet, petiit et impetravit, illique fidelitatem juravit. Et sic ad *Scotiam* cum multitudine *Anglorum* ac *Normannorum* properavit, et patrum suum *Dufenaldum* de regno expulit, et in loco ejus regnavit. (Sim. Dunelm. Hoveden.)

"Duncan, a bastard of the late king, had been left as a hostage in *England*. *William Rufus* invested him with the honour of knighthood, and retained him in his service. Duncan sought the permission of *William* to invade *Scotland*, and having sworn fealty obtained it. Aided by a numerous band of adventurers, English and Norman, he expelled *Donald Bane*, and reigned in his stead." (Hailes.) It must be observed, that it is not certain that *Duncan* was really an illegitimate son; and that even his bastardy, supposing he were a bastard, was by no means a bar to his asserting a right to the inheritance of his father, and that *Rufus*, the son of *William* the son of *Arlotta*, was not likely to incline against the doctrine, that a son born out of matrimony might be entitled to the dominion of his father.

¹⁰ Anno 1097. Rex *Anglorum Willielmus* quadragesimali tempore *Angliam* rediit, &c. post hæc Clitonum *Eadgarum* ad *Scotiam* cum exercitu misit, ut in ea consobrinum suum, *Eadgarum Malcolmi* Regis filium, patruo suo *Dufenaldo* qui regnum invaserat expulso, regem constitueret.

(Sim. Dun. de Gestis, p. 223. Flor. Wigorn. Mailros.)

Lord Hailes has not presented the case to his readers according to the plain and evident meaning of the Chroniclers. William sent Edgar Atheling to Scotland, in order that he might restore Edgar to the crown and kingdom, in the same manner as he, William, had previously restored Duncan, and as Malcolm himself had been restored by the Confessor. Lord Hailes considers the transaction as the result of compassion. Read the Chroniclers, and it will be seen as the act of a Lord who helps his Vassal according to the tenor of the bond by which they are united.—Submission on the one side—protection and aid on the other. Anderson (p. 93) reasons more boldly upon the effect of the passage which imports that Edgar was under the subjection of Rufus. He suggests, that “it is not to be thought that an historian of those days would boggle at an amusing innuendo, or a transcriber stumble at an interpolation.” Upon such grounds of historic doubt it is unnecessary to comment.

1127 **Henry I.** holds his court, which is attended by **DAVID I.**, King of **SCOTS**, and by all the Archbishops, Bishops, Earls, and Barons, or “**Thanes**.” (Sax. Chron.) In this assembly he causes these, his liegemen, to swear that they will acknowledge his daughter, **Matilda**, the Empress (*Æthelie*, his dohtor—Sax. Chron.) as rightful heir, after his decease, to England and Normandy¹¹. (Sax. Chron.)

1127 *David Rex Scotiæ, et omnes Archiepiscopi, Abbates, Comites et Barones totius Angliæ Imperatrici regnum juraverunt in circumeisione Domini apud Lundonias.* (Mailros.)

Fecit Principes et Potentes Angliæ adjurare eidem filiæ suæ et hæredibus suis legitimis Regnum Angliæ. (Gervas. Dorobern. col. 1339.)

1130 **DAVID I.**, as one of the “**Pares**” of **Gosfrid de Clinton**, sits in judgment upon the latter in the court of **Henry I.**¹²

Anno ab Incarnatione Domini 1130. Dum *David Rex* in curia *Henrici Regis* caute indicium indagaret, et de reatu perfidiæ, quam *Gosfredus de Clintonia*, ut dicunt, contra Regem agitaverat, diligenter discuteret: *Aragois Comes Moraviae cum Malcolmso* et quinque millibus armatorum *Scotiam* intravit, totamque regionem sibi subigere studuit. Porro *Edvardus, Siwardi filius* qui sub *Edvardo Rege* *Tribunus Merciorum* fuit, Princeps Militiæ, et consobrinus *David Regis* exercitum aggregavit; et hostili repente exercitui obviavit. Tandem, facta congressionem, *Aragois* Consulem occidit ejusque turmas prostravit, cepit, atque fugavit. Deinde cum cohortibus suis jam triumpho elatis fugientes avidè insecutus est: totumque regionis spatiosæ Ducatum Deo auxiliante nactus est. Sic *David* aucta potestate super antecessores suos exaltatus est, studioque ejus, religiosi et eruditi personis, *Regio Scottorum* decorata est. (Ord. Vitalis, p. 702.)

1157 **MALCOLM IV.** or the Maiden, King of **Scots**, repairs to **Henry II.** and becomes his Man, in the same manner as his grandfather **DAVID I.** became the Man of **Henry I.**, saving all his dignities¹³.

1157 *Rex Malcolmus Scottorum, veniens ad Regem Angliæ Henricum apud Cestriam, devenit homo suus, eo modo quo avus suus fuerat homo veteris Regis Henrici, salvis omnibus dignitatibus suis.* (Mailros.)

1163 **MALCOLM IV.**, **REES**, Prince of South Wales, **OWEN**, Prince of North Wales, and all the great men of Wales, perform homage to the **King** of the **English**, and to **Henry**, his son.

1163 *Malcolm Rex Scottorum, Resus, Australium Princeps Wallensium, Audoenus aquilonarum, et quique majores de Cambria, fecerunt homagium Regi Anglorum, et Henrico filio suo, Kalend. Julii apud Udestoke.* (Diceto, p. 535.)

Compare this transaction with the designation of Ecgerth, as the successor of Offa (p. cclxx.) and with the acts of homage performed by the British and Scottish Princes to the Anglo-Saxon Kings.

¹¹ *Æthelie*, or the Noble, was the English name given to Maud. It will be observed, that if it be supposed that the support of David had been sought by Henry as a favour, and out of love and affection which he bore to his niece, it would not have been necessary, or, indeed, advisable, to order or compel him to take the oath in the same rank with the other vassals of the crown.

¹² Lord Hailes rejects from his text the details which Ordericus has given of the rebellion. He alludes to them slightly in a note, concluding with the remark, that “Ordericus Vitalis is an historian so ill-informed with respect to the affairs of Scotland, that I dare not rely upon his evidence.” Lord Hailes probably thought that this unfortunate monk must have been equally ignorant of the affairs of England, for in merely saying that David was at the court of Henry, King of England, he has omitted to notice that David was sitting in that court as one of the vassals of the English crown.

¹³ This is the only early instance in which this reservation appears distinctly. Whatever may have been the meaning then put upon it (perhaps in relation to Malcolm's right to the English crown), it was not repeated in 1163.

1166 Henry II. crosses the sea to Normandy, and WILLIAM, King of Scots, follows the King of England as his Lord, and upon the King of England's affairs¹⁴.

1166 Rex Angliæ Henricus transfretavit, quem, ob negotia Domini sui, Rex Scotiæ Willielmus secutus est, et in transmarinis partibus quibusdam militiarum probitatibus attemptatus, statim rediit. (Mailros.)

1170 Henry II. holds his court at Windsor, at Easter time, whereat are present WILLIAM, King of SCOTS, and DAVID his brother, and almost all the Nobles and great men of England (i. e. belonging to the English Crown), after which June 14. he held another council at London, upon the Eve of St. Vitus and St. Modestus, in which assembly he caused HENRY his son to be crowned King of England.— On the morrow of the Coronation, and at his command, WILLIAM King of Scots, and DAVID his brother, and all the Earls, Barons, and Freeholders of England, became the liegemen or vassals of the young King, his son; and Henry II. caused them to take the oath of fealty to his son against all men, saving only the fealty due to himself¹⁵.

1170 Eodem anno, Rex tenuit curiam suam in solemnitate Paschali apud Winleshoures, cui festo Paschali interfuerunt Willielmus Rex Scotiæ, et David frater ejus, et fere omnes nobiliores et majores Angliæ, tam Episcopi, quam Comites et Barones. Peracta igitur solemnitate Paschali, perrexit inde Lundonias; et ibi magnum celebravit concilium de coronatione Henrici filii sui majoris; et de statutis regni sui.....

..... Et die dominica, quæ evenit 18^o Kalendas Julii, scil. vigilia sanctorum Viti et Modesti Martyrum, et Sanctæ Crescentiæ Virginis, fecit Rex Henricus filium suum Henricum majorem coronari, et in regem consecrari apud Westmonasterium a Rogero Eboracensi Archiepiscopo et Apostolicæ sedis legato; ministrantibus ei in illo officio Hugone, Dunelmensi Episcopo, et Gilberto, Lundoniensi Episcopo, et Joscelino, Salesberiensis Episcopo, et Waltero, Roffensi Episcopo, astantibus etiam fere omnibus Comitibus, Baronibus et Nobilioribus Regni.

In crastino autem hujus consecrationis, fecit Rex Willielmum Regem Scotiæ et David fratrem suum, et omnes Comites et Barones, et Francos-tenentes Regni sui, devenire homines novi Regis filii sui. Et fecit eos super Sanctorum reliquias jurare illi ligeantias et fidelitates, contra omnes homines, salva fidelitate sua. (Benedictus Abbas, p. 3.)

1175 On the Feast of St. Lawrence in this year, WILLIAM, King of Scots, came to meet the King of England at York, bringing with him all the Bishops, Earls, Barons, and Knights of the country, from the greatest even unto the least, in order that they might perform homage, and take the oath of allegiance and fealty to the King of England, and his heirs for ever, against all men, as had been agreed upon between the said Kings at Falaise in Normandy, before the KING OF SCOTS was delivered from the King of England's prison. Being all assembled in the Cathedral, WILLIAM, King of Scots, commanded the Bishops, Earls, and Barons of his land, to do homage and take the oaths of allegiance and fealty to Henry, King of England, son of Maud, the Empress, and HENRY his son; and first of all, he, the King of SCOTLAND, and David his brother, became the men or vassals of the King of England, for all their lands and tenements, and especially for SCOTLAND and GALLOWAY, and took the oath of allegiance and fealty to him against all men. And afterwards they became the men or vassals of the young King, and took the oath of fealty to him, saving only the fealty due to his father. In like manner, and by the command of the King of Scots, the following prelates, viz. the Bishops of St. Andrew's, Glasgow, Dunkeld, Whitehern, Moray, and Caithness, and all the Abbots of his land, took the oath of allegiance and fealty to the Kings of England, father and son. Moreover, the Bishops swore that if the King of SCOTLAND should break the final concord and covenant which he had made with the King of England, that they would put him and all the country

¹⁴ Lord Hailes says—"William repaired to the court of Henry II. and solicited the restitution of Northumberland. Contrary to the opinion of all his counsellors, he passed over into France, and served under the banners of Henry. His counsellors judged well. From this impolitic thirst of military glory, the Chronicle of Mailros concludes that he went into France 'to do the business of his Lord.' Henry rewarded him with fair promises, and agreed to prolong the truce with Scotland." Lord Hailes' narrative is founded upon the following passage in Fordun, "Rex vero Scotiæ Willielmus, non suorum qui secum aderant nobilium nec ullius præpediri potuit quovis ingenio, quin invitis omnibus, ut bellatorum cerneret congressus fortium, cum eo profectus est." (VIII. 13.)

¹⁵ It will be observed that there is no qualification of the homage of the King of Scots and his brother, any more than in the homage and fealty of the other tenants of the English crown.

under an interdict. Furthermore, by the commands of the King of Scotland, all the Prelates, Earls, and Barons of his land became the men of King Henry and of the young King, his son, and took the oaths of fealty and allegiance to them against all men, saving only in the fealty to the young King, the fealty due to his father; and, before all the persons then and there assembled, the King of England caused the treaty between him and the King of Scotland to be read, and afterwards to be confirmed by the seals of the King of Scotland, and of David his brother¹⁷.

1175 Et his ita peractis apud *Notingham*, Rex ivit usque *Eboracum*, et in festo Sancti Laurentii venit illuc, et habuit ibi sibi obvium *Willelmum* Regem *Scotiæ*, qui secum adduxerat omnes Episcopos, et Comites, et Barones, et Milites, et Francos-tenentes terræ suæ, a maximo usque ad minimum, ad faciendum ibi hominia et ligeantias et fidelitates Regi *Angliæ* et heredibus suis in perpetuum, contra omnes homines, sicut convenit inter eos apud *Falesiam* in *Normannia*, antequam Rex *Scotiæ* de ergastulo ejus exiret. Itaque congregatis omnibus in Ecclesia Sancti Petri *Eboraci*, *Willelmus*, Rex *Scotiæ*, præcepit Episcopis et Comitibus et Baronibus terræ suæ facere ligeantiam, et fidelitatem, et hominium, *Henrico* Regi *Angliæ* filio *Matildis* Imperatricis et *Henrico* Regi, filio suo: sicque factum est. Et imprimis ipse Rex *Scotiæ* et *David* frater ejus devenerunt ibidem Homines prædicti Regis, et fidelitates et ligeantias ei fecerunt; de omnibus tenementis suis; et nominatim, de *Scotiæ* et *Galweia*; et fidelitates et ligeantias ei juraverunt contra omnes homines, tactis sacro-sanctis Evangeliiis; et postea devenerunt Homines regis filii sui, et fidelitates ei juraverunt, salva fidelitate patris sui. Similiter juraverunt eis fidelitates et ligeantias, per præceptum Regis *Scotiæ*, eis et heredibus suis in perpetuum tenendas, *Ricardus* Episcopus Sancti *Andree*, *Joscelinus* Episcopus *Glascuensis*, *Ricardus* Episcopus de *Dumkelda*, *Cristianus* Episcopus de *Galweia*, *Andreas* Episcopus de *Chatenesia*, *Simon* de *Thouni* Episcopus de *Murevia*, Abbas de *Kelzau*, *Laurentius* Abbas de *Malros*, Abbas de *Neubottle*; et præter illos, omnes Abbates terræ suæ. Juraverunt etiam prædicti Episcopi, quod si Rex *Scotiæ* nollet tenere conventionem et finem quem fecerat cum Rege *Angliæ*, ipsi sub interdicto ponerent ipsum et totam terram suam, donec veniret ad bene placitum Regis *Angliæ*. Juraverunt etiam, quod eandem subjectionem facerent Ecclesiæ *Angliæ*, quam prædecessores sui eidem Ecclesiæ facere solebant, et quam facere debent. Similiter, Comites et Barones terræ Regis *Scotiæ*, per præceptum ipsius, devenerunt Homines Regis *Angliæ*, et *Henrici* filii sui, salva fidelitate sua; et eis fidelitates et ligeantias juraverunt contra omnes homines, scilicet Comes *Dunecan*, et Comes *D'Anegus*, et Comes *Waldevus*; et juraverunt, quod si Rex *Scotiæ* a prædicta conventionem recederet, ipsi contra eum, cum Rex *Angliæ* tenerent, donec ipse ad condignam satisfactionem veniret, et ad voluntatem Regis. Tunc vero coram omnibus fecit Rex *Angliæ* legi, et sigillis Regis *Scotiæ* et *David* fratris sui confirmari conventionem subscriptam, quæ facta fuit inter ipsum et Regem *Scotiæ*. "Hæc est conventio et finis, quem *Willelmus* Rex *Scotiæ* fecit cum Domino suo *Henrico* Rege *Angliæ*, filio *Matildis* Imperatricis. *Willelmus* Rex *Scotiæ* devenit Homo ligius domini Regis, contra omnem hominem, de *Scotiæ* et de omnibus aliis terris suis: et fidelitatem ei fecit, ut ligio domino suo, sicut alii homines sui, ipsi facere solent. Similiter fecit homagium *Henrico* Regi filio suo, et fidelitatem; salva fide domini Regis patris sui. Omnes vero Episcopi et Abbates, et Clerus terræ Regis *Scotiæ*, et successores sui facient domino Regi, sicut ligio domino, fidelitatem, de quibus habere voluerit, sicut alii Episcopi sui ipsi facere solent, et *Henrico* Regi filio suo, et heredibus eorum. Comites etiam et Barones et alii homines de terra Regis *Scotiæ*, de quibus dominus Rex habere voluerit, facient ei homagium contra omnem hominem, et fidelitatem, ut ligio domino, sicut alii homines sui ei facere solent: et *Henrico* Regi filio suo, et heredibus suis, salva fide domini Regis patris sui. Similiter heredes Regis *Scotiæ*, et Baronum, et Hominum suorum, homagium et ligeantiam facient heredibus domini Regis contra omnem hominem. Præterea Rex *Scotiæ*, et Barones sui prænominati assecuraverunt, quod ipsi, bonâ fide, et sine malo ingenio, et sine occasione, facient, quod Episcopi et Barones, et Homines terræ suæ, qui non affuerunt quando Rex *Scotiæ* cum Domino Rege finivit, eandem ligantiam et fidelitatem domino Regi facient, et *Henrico* filio suo, quam ipsi fecerunt. Et quod Barones et Homines, qui non affuerunt, obsides liberabunt domino Regi, de quibus habere voluerit. Præterea Episcopi, Comites, et Barones conventionaverunt domino Regi et *Henrico* filio suo, quod si Rex *Scotiæ* aliquo casu, a fidelitate domini Regis et filii sui, et a conventionem prædicta recederet; ipsi cum domino Rege, sicut cum ligio domino suo, tenebunt contra regem *Scotiæ* et contra omnes homines domino Regi inimicantes. Et Episcopi sub interdicto ponent terram Regis *Scotiæ*, donec ipse ad fidelitatem domini Regis redeat. Prædictam itaque conventionem firmiter observandam, bonâ fide, et sine malo ingenio, domino Regi et *Henrico* filio suo, et heredibus suis, a *Willelmo* Rege *Scotiæ*, et *David* fratre suo, et a Baronibus suis prædictis, et ab heredibus eorum, assecuravit ipse Rex *Scotiæ* et *David* frater suus, et omnes Barones sui prænominati, sicut ligii homines domini Regis, contra omnem hominem, et *Henrici* Regis filii sui, salva fidelitate domini regis patris sui."

(Benedictus Abbas, pp. 113, 116, 118.)

¹⁷ Lord Hailes has compressed the treaty (of which I have only given a portion) into half a page, and the account of the meeting at York into the following lines, "William, with his Clergy and Barons, did homage to Henry, at York, according to the tenor of the late treaty."

1175. Comites et Barones, et omnes majores et potentiores per regnum *Scotiæ* cum Rege suo *Willielmo* ligeantiam fecerunt, et obsides dederunt, et Episcopi ejusdem regni in verbo veritatis fidelitatem juraverunt *Henrico* Regi *Angliæ*, in civitate *Eborum*. (Mailros.)

1176 *Gilbert*, the son of *Fergus*, a Lord of *Galloway*, by the command and direction of *WILLIAM*, King of Scots, performs homage, and takes the oath of fealty to *Henry II.* against all men.

1176 Itaque celebrato concilio apud *Windeshoueres*, ut supradictum est; Rex circa Festum Sancti *Dionysii* venit usque *Fecheham*: et ibidem venit ad eum, *Willielmus* Rex *Scotiæ*. Et duxit secum *Gilebertum* filium *Fergii* qui fratrem suum *Huctredum*, ut supradictum est, interfecerat. Et ipse *Gilebertus*, facta pace cum domino Rege de morte fratris sui, qui cognatus Regis erat, devenit Homo ipsius, et fidelitatem ei juravit contra omnes homines.

(Benedictus Abbas, 155.)

1186 The King of Scots and his brother repair to the Court of *Henry II.* by his command; and afterwards, by his further command, the Scots assist in distraining *Roland*, the son of *Uchtred*, to submit to the judgment of *Henry's* Court—*Roland* is compelled to obey—as to the lands of his uncle *Gilbert*, the son of *Fergus*, claimed by *Duncan*, *Gilbert's* son, he is to abide by the judgment of the Court of the King of *England*; and furthermore, by the command of *WILLIAM*, King of Scots, he took the oath of fealty to *Henry*, King of *England*, and his heirs against all men.

1186. *Willielmus* Rex *Scotiæ*, et *David* frater ejus, per mandatum Regis ad curiam suam venerunt, adducentes secum *Jocelinum* Episcopum *Glascuensem*, et Abbatem *Arnaldum* de *Mailros*, et Comites, et Barones de Regno *Scotiæ*: quos dominus Rex honorifice suscepit, et eos aliquot diebus circa se tenuit, satisque humanum ac familiarem se illis exhibuit, ut hujusmodi re animos eorum in suos conatus erigeret.

Et post paucos dies, accepta a supradictis Comitibus et Baronibus *Scotiæ* securitate de fide sibi servanda, et acceptis ab eis obsidibus, misit eos in patriam suam, et præcepit eis, ut debellarent *Rolandum*, filium *Uctredi*; nisi ad curiam suam venire vellet, et juri stare super hoc, quod contra prohibitionem illius et justiciariorum suorum, terram *Gilleberti* filii *Fergii*, et aliorum Baronum *Galweyæ*, cum hostili manu intraverat, et sibi subjugatam occupaverat, vel obtinuerat. Cumque præfatus *Rolandus* hæc audisset, collecta equitum peditumque multitudine copiosa, introitus *Galweyæ* et vias ejus, quantum potuit, impedivit, semitruncatis et cæsis arboribus positus secus vias. Nec mora, *Henricus*, Rex *Angliæ*, magnum congregavit exercitum de universis provinciis *Angliæ*, et veniens usque *Karleolum*, misit inde *Willielmum*, Regem *Scotiæ* et *David* fratrem suum, ut *Rolandum* ad eum ducerent *. (Benedictus Abbas, pp. 447, 448.)

17 Apr.—5 Ric. II.—Charter by which *Richard*, King of *England*, confirms to the King of *SCOTLAND*, his liege man, the several rights and privileges which the predecessors of the King of *SCOTLAND* were accustomed to enjoy when journeying to the court of the King's predecessors, Kings of *England*, and when attending such court, and returning home from the same, viz.

For each and every day after he shall, in pursuance of the King's command or summons, have passed the frontiers of his kingdom, in journeying towards the court of the King of *England*, One Hundred Shillings, and as much for every day of his journey homewards, after departing from the court, until he shall have re-entered his own land.

During every day that the King of Scots shall be in attendance at the court of *England*, to wit, from his arrival until his departure, he shall receive the following fee and living—Thirty Shillings sterling in money, Twelve Cakes or Wastels, Twelve Simnels, Four quarts of Wine, and Forty Candles, all of the same quality as are supplied to the Royal Household for the use of the King. Moreover, Eight quarts of other Wine, Two Pounds of Pepper, Four Pounds of Cinnamon, and Two Stone of Wax (or Four Wax Candles in lieu thereof)—quality not specified.

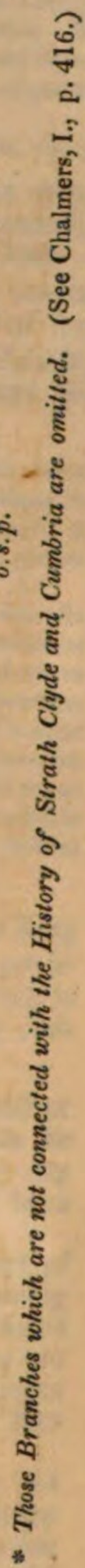
Furthermore, he shall have such escort or convoy as his predecessors have had when proceeding to the King's court, and departing from the same. The Bishop of *Durham*, and the Sheriffs and Barons of *Northumbria*, shall meet him on the confines of his kingdom, and receive him and escort him as far as the *Tees*. At the *Tees* the Archbishop of *York* and the Sheriff and Barons of *York* shall receive him and escort him even to the Bishopric of *Lincoln*: and upon his entry into the

* An account of his submission then follows; after which it is stated, that he took the oath of fealty without reservation,—Juravit etiam fidelitatem Regi *Angliæ* et hæredibus suis, per præceptum Regis *Scotiæ*, contra omnes homines.

Bishopric of *Lincoln*, the Bishop, and the Sheriff, and the Barons of the Shire, shall receive him, and escort him through their several Bailliwickes, and so shall the Bishops and Sheriffs of the other Dioceses and Shires through which he shall pass, until he shall arrive at the King's Court.

And it is the King's will and pleasure, that *William*, King of Scotland, and his heirs, shall hold and enjoy the same perquisites of the King and his heirs for ever. And also all his expenses in arresting those fugitives who are willing to stand their trial for felonies in the King's court; and who are in the peace, or under the protection, of him, the King of *Scotland*.

Richardus, Dei gratia, Rex *Angliæ*, Dux *Normanniæ*, *Aquitaniæ*, Comes *Andegaviæ*, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Seneschallis, Præpositis, Ballivis, et omnibus Ministris et fidelibus suis totius terræ suæ, salutem.— Noverit universitas vestra, nos concessisse et presenti charta nostra confirmasse, *Willielmo* illustri Regi *Scotiæ* carissimo amico et consanguineo et fideli nostro, et heredibus suis, in perpetuum, de nobis et heredibus nostris, omnes libertates et rectitudines, plenarie, quas antecessores sui habere solebant, eundo ad curiam antecessorum nostrorum, et stando ad curiam, et redeundo a curia antecessorum nostrorum. Scilicet, unaquaque die, postquam de mandato nostro, transierit fines regni sui versus curiam nostram, centum solidos sterlingorum, et in reditu suo a curia nostra, singulis diebus, tantundem, quousque in terram suam venerit; et singulis diebus ex quo venerit ad curiam nostram usque ad recessum suum versus terram suam, triginta solidos sterlingorum, et duodecim de dominicis guastellis nostris, et totidem de semenellis nostris dominicis, et duodecim sextercia vini, quatuor videlicet de dominico vino nostro unde nobis servitur. Et duas petras ceræ, vel quatuor cereos, et quadraginta candelas de dominicis candelis unde nobis servitur, et duas libras piperis et quatuor libras cinnamomi; et preterea conductus quos antecessores sui habere solebant, eundo usque ad curiam nostram et redeundo a curia nostra: scilicet quod Episcopus *Dunelmensis* et Vicecomes, et Barones *Northumbriæ*, ad ipsum venient in finibus regni sui, et ibi eum recipient et conducent usque ad *Teise*, et ibi venient ad eum Archiepiscopus *Eboracensis* et Vicecomes et Barones *Ebor'*, et ibi eum recipient et conducent usque ad Episcopatum *Lincolniæ*: et ibi ad eum venient Episcopus *Lincolniæ* et Vicecomes et Barones provincie, et eum recipient, et per ballivas suas conducent; et sic deinceps Episcopi et Vicecomites provinciarum per quas ipse transierit, quousque ad curiam nostram venerit. Quare volumus et firmiter præcipimus quod præfatus Rex *Willielmus* et heredes sui, omnia prescripta habeant de nobis et heredibus nostris in perpetuum, et in expensis, et in conductibus, et in fugitivis qui de felonia se defendere voluerint ad curiam nostram in pace sua ducendis, et in omnibus aliis sine aliqua diminutione: præcipientes ut præfati Episcopi et Vicecomites et Barones ei predictos conductus faciant, et omnes alias rectitudines et libertates suas conservent, et ut Vicecomites predicti in Ballivis suis, prescriptas expensas in eundo ad curiam nostram et redeundo a curia nostra plenarie inveniant, donec in terram suam venerit. Testibus hiis *H. Cantuar.* Archiepiscopo. *H. Dunelm.* Episcopo. *R. Londoniens.* *H. Linc.* *S. Cicestr.* *G. Roucester.* *W. Hereford.* *H. Wigorn.* Episcopis. *R. Com. Cestr.* *H. Com. de Warren.* *R. Com. de Clare.* *R. Bigot, Com. Norff.* Comite *David.* *W. Com. de Ferrariis.* *W. Maresc.* *W. de Stutteville.* *Eustach. de Vessi.* *Gaufr. filio Petri.* *H. Bard.* *W. Briewer* et multis aliis. Dat. per man. *W. Elien.* Ep. Cancellar. nostri apud *Winton*, xvii die Aprilis anno quinto regni nostri. (Ayloffe's Calendars, p. 348, from the Original in the Chapter-House.)



* Those Branches which are not connected with the History of Strath Clyde and Cumbria are omitted. (See Chalmers, I., p. 416.)
O. S. P.

ROYAL STYLE,—OFFICERS OF THE CROWN, &c.

KINGS.

THE etymology of this word is important: because the idea which it conveys,—viz. of a Ruler placed at the head of the state, both in peace and in war, the leader,—the legislator, and sovereign of the people,—does not appear to have been known to the primitive Teutonic tribes. On the whole I incline to the Celtic derivation, from *Can*, or *Cean*. My Celtic friends are strangely unwilling to accept the honour of furnishing the Teutons with the royal title; and I am asked by a most intelligent and philosophical inquirer,—how came a Celtic word to spread from the Alps to the North Sea,—from the Thames to the Danube? An answer may be easily found to this question. The title was diffused by imitation, and it followed the tribes as they advanced. In the days of Ulphila, and before the Teutons settled on Celtic ground, the word “King” was not employed¹, and therefore we possess, at least, a chronological proof that the term was not invented until after the age when the Teutons might have learnt their lesson either in Britain or in Gaul. But can any better solution be suggested? Amongst the numerous derivations from Teutonic roots, proposed by various writers, there are many displaying great ingenuity, but not many which possess much plausibility²; and if we compare the laborious efforts made by the learned to establish the Teutonic ancestry of the word, with the easy and simple idea suggested by “*Cean*,”—“*Head*,” or “*Chieftain*,”—the Celtic hypothesis will gain more by the parallel, than by any argument which can be adduced in its favour³.

Cyng, or *Konung*, probably derived from the Celtic *Can*, or *Cean*, i. e. head or chieftain.

There are two objections, however, which deserve notice. I. *Cean* is not found in the Cymric of Wales, nor do any of the Celtic dialects apply it to the royal authority.—The facts are correct, but not the inferences. We do not possess a sufficient stock of Celtic materials to decide upon negative evidence; and though the Welsh, according to the peculiarity of their idiom, pronounce *Pen* instead of *Cen*⁴, still the word existed in the latter form, i. e. *Cen*, amongst the Britons of Strath Clyde⁵.

Objections—and their answers.

II. The Scandinavian *Konungur* appear in many gradations of dignity. The *Herr-Konung* was only the general or leader of the Host. The *Sio-Konung*, or sea-king, headed the pirate fleet. The *Fylkis-Konung* governed the “*Fylke*,” or Clan-land; and the *Nesse-Konung* claimed to be the monarch of a single *Nesse*, or rather of the land, terminated by the promontory jutting into the wave⁶. It is also evident that the Anglo-Saxon chieftains of minor power were denominated *Kings*; and hence it may be argued that the title had no peculiar importance: but in Norway, where (See p. cccliv.)

¹ *Thiudans* is the term employed in the Gothic version for “King.” *Thiudinassus* and *Thiudangardi*, kingdom. The root is *Thiod*, people, but the process by which the derivatives are formed is not obvious.

² From *Konnen*, to be able (Wachter—*Adelung*), or from *Kennen*, to know, or to be knowing (*lhre*); from *Hund*, or *Chund*, a hundred, the ruler of the Centena. From *Kind*, child; from *Cyn* tribe, or kindred, and with the patronymic, the Child of the Nation. (Allen.)

³ *Cean* is evidently the same as *Khan*.

⁴ This permutation disguises the identity of many Cymric and Gaelic words. *Pren*, *Crann* (tree), *Pedwar*, *Cathair* (four), *Pasc*, *Casc* (Pascha.)

⁵ As appears from the etymology of the name of *Ken-tigern* (p. 415.)

⁶ See *lhre*.

the title *Konung* was most generalized, it was still considered so emphatic, that the chieftain, when he descended from his sovereign estate, resigned the name of King, for the express purpose of testifying his vassalage. The sovereign of a very small territory might deem himself equal in dignity, to the ruler of a wider realm, however inferior he might be in power.

THE TITLE OF BASILEUS.

Imperial title of "*Basileus*" specially assumed by the Anglo-Saxon Kings.

THIS title was exclusively claimed by the Byzantine emperors¹. The Bulgarian sovereigns usurped the name of "*Basileus*," but the imperial style was not given to them by other powers²; nor was it assumed by any sovereign of the West, except the Anglo-Saxon kings, and most evidently was it taken by them as denoting their imperial dignity³. The title of *Basileus* appears on the seal of the Scottish Edgar, either in imitation of his Anglo-Saxon ancestors, or, as asserting his claim to their inheritance. The styles of the later Anglo-Saxon monarchs are much diversified. Few are found in which the imperial dignity is not either expressed or implied⁴. If

¹ *Basilei seu Βασιλεως titulum, Imperatores Byzantini, nulli alii principi præterquam sibi persuasum habebant, cæteros Πηγας seu Reges, appellantes. . . . Hanc porro Basilei appellationem videntur sibi præ cæteris arrogasse veteres Angliæ Reges.* (Du Cange, I. 1055.)

² Du Cange, III. 1334.

³ Imperatoris titulum sibi arrogasse Reges *Anglo-Saxonici* ex hoc patet, quod *Basileas* sese passim indigitarent, quæ vox Imperatorem tum sonabat. (Du Cange, III. 1335.)

⁴ The following styles have been excerpted as exemplifying this position: it will be seen how the titles of imperial import predominate.

ÆTHELSTANE.

Æthelstan, Dei providentia gubernante Rex *Anglorum*^a. 928.

Athelstanus, divinæ dispensationis providentiâ, tam super *Britannicæ* gentis quam super aliarum nationum huic subditarum imperium elevatus Rex^b. 930.

Æthelstanus Rex *Anglorum*, per omnipotentis dexteram totius *Britanniæ* regno sublimatus^c. 938.

Athelstan Rex totius *Britanniæ*^d.

Æthelstan Rex *Saxonum*^d.

Athelstan Anglorum Basyleus et Curagulus totius *Britanniæ*^e.

EDRED.

Edredus Rex *Anglorum* gloriosissimus, rectorque *Northanhymbrorum*, et *Paganorum* imperator, *Brittonumque* propugnator^f. 949.

Edred, divina gratia favente, Rex et Primicerius totius *Albionis*. 955.

EDWI.

Eadwi, nutu Dei *Angul Saxna* et *Northanhymbrorum* imperator, *Paganorum* gubernator, *Breotonumque* propugnator^g. 956.

EDGAR.

Altitonantis Dei largiflua clementia, &c. *Edgarus Anglorum* Basileus, omniumque regum insularum oceani qui *Britanniam* circumjacent cunctarumque nationum quæ infra eam includuntur, Imperator et Dominus.....*Edgar* Basileus *Anglorum*, et Imperator regum gentium^h. 964.

^a Hem. p. 67.

^b Hem. p. 11.

^c p. ccxlvii.

^d On his coins. (Ruding, p. 253.)

^e Inscription in the volume of the Gospels given by Athelstane to the Cathedral of Canterbury. (Bib. Cot. Tib. A. II.) The following laudatory verses, also contained in the same manuscript, were evidently composed in the lifetime of Athelstane. They may be considered as a supplement to his titles:—

Rex pius *Æthelstan*, patulo famosus in orbe

Cujus ubique viget gloria, lausque manet.

Quem Deus *Angligenis* solii fundamine nixum,

Constituit Regem, terrigenisque ducem.

Scilicet ut valeat reges, Rex ipse, feroces,

Vincere bellipotens, colla superba terens.

^f p. ccxlix.

^g p. ccxlix.

^h p. ccl.

it be repeated that such documents are only the fancies of the ignorant monks who penned the charters, I can only reply, that all our history depends upon such evidence. Nor is it very philosophical to describe these high sounding phrases as pompous affectations of power—unless we admit that all pomp is affectation.

In the ancient order or ritual, supposed, but perhaps on insufficient evidence, to have been framed for the coronation of Ethelred, the “dominion over the *Angles* and

Edgar divina allubescence gracia Rex et Primicerius totius *Albionis*ⁱ. 966.

Ego *Edgar* totius regni Rex citra mare, &c.: scripta est hæc cartula Incarnationis Anno Dom. D CCCC LXVI, testibus hiis consencientibus quorum hic nomina signantur, secundum regis benevolentiam^j. 966.

Ego *Edgar* totius *Britanniæ* Basileus.

Ego *Edgar* Rex *Anglorum*^k.

Eadgar Rex *Anglorum* cum *Northymbra* regimine ac progenie *Paganorum Britonumque* prosapia sublimiter roboratus^l. 968.

Edgar divina collubescence gratia totius *Albionis* Rex, Primicherusque^m. 968.

Rex *Edgarus* Basileus dilectæ insulæ *Albionis*, subditis nobis sceptris *Scottorum, Cumbriorumque*, atque *Brittonum* et omnium circumcirea regionumⁿ. 970.

Ego *Edgar* divina allubescence gratia totius *Albionis* Imperator Augustus^o. 970.

Edgar totius *Britanniæ* insulæ regimine Domini largiente gratiâ gubernans.

Ædgar totius *Albionis* Basileus^p. 971.

Edgar divina dispensatione Rex *Anglorum*, ceterarumque gentium in circuitu persistentium gubernator et rectorⁿ. 971.

Edgarus Rex et Basileus totius *Angliæ*^q. About 971.

ETHELRED.

Ethelredus per omnipotentis nutum totius *Albionis* Basileus^r. 984.

Ego *Æthelredus* gracia Dei sublimatus Rex et Monarcha totius insulæ *Britanniæ*^s. 987.

Ethelredus gracia Dei Rex *Anglorum* et Patricius *Nordanhymbrorum*^t. 994.

Æthelred totius *Britanniæ* Basileus^r. 999.

Ethelredus Rex nationum totius gentis *Britanniæ*^r. 1012.

In nomine Domini Dei omnipotentis. Ego *Æthelredus* Dei gratiâ gentis *Anglicæ* Rex, et Monarcha etiam aliarum insularum circumjacentium^u.

Ego, gratiâ summi tonantis *Angligenum Orcadarum*, necne in gyro jacentium Monarcha *Æthelredus Anglorum* Induperator^u. 1006.

CANUTE.

Cnut, King of all *England*, and of the *Danes*, and of the *Norwegians*^v.

Ego Imperator *Knut*, a Christo rege regum, regiminis *Anglici* in insula potitus. *Knut*, gubernator *Anglici* orbis^w. 1018.

EDWARD THE CONFESSOR.

Edwardus, suprema gratia largiente *Anglorum* Rex, regalia sceptra gubernans^x. 1065.

Edwardus, *Ethelredi* Regis filius, gratia Dei *Anglorum* Rex^y. 1066.

Eadward Cyng, and *Englalandes* Wealdend^z.

Eadwardus Anglorum Basileus^a.

WILLIAM THE CONQUEROR.

Willielmus Dei dispositione, et consanguinitatis hæreditate *Anglorum* Basileus, *Normannorumque* Dux et Rector^b.

Willielmus Dei gratia Rex *Anglorum* hæreditario jure factus^c.

ⁱ Mon. I. p. 49.

^j Mon. I. p. 57.

^k Mon. p. 50.

^l Mon. II. p. 324.

^m Smith's Bede, App. 774.

ⁿ pp. ccl. ccli.

^o Mon. I. p. 58.

^p p. ccl.

^q p. cclii.—Mon. pp. 383, 384.

^r pp. ccxxiv. ccxxv.

^s Mon. I. p. 51.

^t p. ccxix.

^u Concilia I. pp. 283, 284.

^v Preamble of his Laws.

^w Concilia I. p. 296.

^x Mon. I. p. 259.

^y Mon. I. p. 294.

^z Mon. I. p. 100.

^a On both sides of his great seal.

^b Mon. VI. p. 27.

^c Mon. I. p. 327.

Saxons" is given to the sovereign⁵. In another form of consecration the "kingdoms of the *Saxons*, *Mercians*, and *Northumbrians*" are enumerated as constituting the empire⁶. The smaller states or dependencies passed with the kingdoms to which they were annexed. There seems to have been a distinct inauguration for each kingdom, and one consecration for the empire—distinct inaugurations, as forms required by the Civil Legislature—one coronation and consecration, according to the rites which the Church had presented.

⁵ The following extracts contain the most important portions of the ritual:

Hæc tria populo Christiano, et mihi subdito, in CHRISTI promitto nomine.

In primis, ut Ecclesia Dei et omnis populus Christianus veram pacem, nostro arbitrio, in omni tempore servet.

Aliud, ut rapacitates et omnes iniquitates omnibus gradibus interdiciam.

Tertium, ut in omnibus judiciis æquitatem et misericordiam præcipiam, ut mihi et vobis indulgeat suam misericordiam, clemens et misericors Deus qui vivit, &c.

Designatio Status Regis.—Sta, et retine amodo statum, quem hucusque paterna suggestionem tenuisti, hereditario jure tibi delegatum, per auctoritatem Dei omnipotentis et per presentem traditionem nostram, omnium episcoporum cæterorumque Dei servorum, et quanto clerum sacris altaribus propinquiorem prospicis, tanto ei potiore in locis congruis honorem impendere memineris, quatinus mediator Dei et hominum, te mediatorem cleri et plebis in hoc regni solio confirmet, et in regno æterno secum regnare faciat.

..... Respice propitius ad preces nostræ humilitatis, et super hunc famulum tuum illum quem supplici devotione in regem *Anglorum* vel *Saxonum* pariter eligimus, benedictionum tuarum dona multiplica. Hunc, dextrâ tuæ potentiae, semper ubique circunda quatenus prædicti Abrahæ fidelitate firmatus, Moysi mansuetudine fretus, Josuæ fortitudine munitus, David humilitate exaltatus, Salomonis sapientia decoratus, tibi in omnibus complacet et per tramitem justitiæ inoffenso gressu semper incedat. Hic totius Regni *Anglo-Saxonum* ecclesiam deinceps cum plebibus sibi annexis ita enutriet ac doceat, muniat et instruat, contraque omnes visibiles et invisibiles hostes idem potenter regaliterque tuæ virtutis regimen amministret, ut regale solium, videlicet *Anglorum* vel *Saxonum*, sceptrum, non deserat, sed ad pristinae fidei pacisque concordiam eorum animos, te opitulante, reformet, ut populorum debita subjectione fultus, condigno amore glorificatus, per longum vitæ spatium, paternæ apicem gloriæ, tua miseratione unita, stabilire et gubernare mereatur. (Claud. A. 3.)

⁶ Respice propitius ad preces nostræ humilitatis et super hunc famulum tuum N. quem supplici devotione in hujus regni Regem pariter eligimus, benedictionum tuarum dona multiplica, eumque dextera potentiae tuæ ubique circunda, quatinus prædicti Abrahæ fidelitate firmatus, &c. ut regale solium, videlicet *Saxonum*, *Merciorum*, *Nordanchimbrorum* sceptrum non deserat, sed ad pristinae fidei pacisque concordiam eorum animos, te opitulante, reformet, ut utrorumque horum populorum debita subjectione fultus, cum digno amore glorificatus, per longum vitæ spatium paternæ apicem, gloriæ, tua miseratione unita stabilire et gubernare mereatur.

This last form has been preserved under very unaccountable circumstances. The "ordo ad inunguendum et coronandum regem," now extant amongst the Cottonian Manuscripts (Tib. B. VIII.) was transcribed and corrected by the special order of Charles V., who has authorized it by his sign manual.—Ce livre du sacre des Rois de France est a nous Charles le V. de nostre nom Roy de France, et le fimes corriger, ordeiner, escrire, et istorier l'an MCCC LXV.—CHARLES. Great care was bestowed upon the manuscript. It is filled with splendid illuminations, or *historiated* according to the king's directions, and, as Selden observes, it is almost inconceivable that the persons who framed the ritual should have thus transcribed an Anglo-Saxon form without even changing the names of the kingdoms to which the ceremony applied. Yet the fact is incontestable. Possibly the original Anglo-Saxon ritual may yet lurk in some continental library.

OFFICERS OF STATE OF THE ANGLO-SAXON MONARCHY.

THE REFERENDARY—REFERENDARIUS.

"AUGEMUNDUS" bears this title in the charters of Ethelbert¹. In the Frankish monarchy, the succession of these officers is deduced from the reign of Clovis. The Referendarius drew or prepared the royal charters, and kept the royal signet—(Du Cange, Vol. V., 1227); and he probably held the same station under the early Kentish kings. (See pp. 177 & cxcvii.)

THE CHANCELLOR—CANCELLARIUS REGIS.

Spelman finds a Chancellor in the reign of Edward the Elder. From Edgar, the office may be traced more distinctly. *Wulfsy*, or *Woolsey* (an odd coincidence), and *Reinbaldus* successively held this office under the Confessor². In the reign of the Conqueror, we find *Arfastus*, afterwards Bishop of *Thetford*, at the head of the Bench of "Chaplains," the official predecessors of the Masters in Chancery³. Under Rufus, *Rodbert Bloet* holds the same station^{3*}. The Charters affording these points of information are very important, because they show the prevalence of Anglo-Saxon forms, during the transition period of our history. (See p. 178.)

¹ p. cxcvii.² p. ccxviii.

³ Ego *Willielmus*, Dei dispositione, et consanguinitatis hæreditate *Anglorum* Basileus, *Normannorumque* Dux et Rector, cujusdam fidelis mei, *Ingelrici* scilicet, petitione adquiescens et Archiepiscoporum, Episcoporum, Abbatum, Comitum, et universorum procerum meorum consilio parens, omnes possessiones terrarum, quas tempore venerabilis ac dilectissimi cognati et prædecessoris mei Regis *Edwardi*, idem *Ingelricus* adquisierat, pro ipsius insignissimi Regis animæ salute, necnon et peccatorum meorum remissione concedo, et regiâ auctoritate imperpetuum corroboro et confirmo Deo et Ecclesiæ *Beati Martini*, quam, infra muros *London* sitam, præfatus *Ingelricus*, et *Girardus*, frater ejus, de propriis suis redditibus, in delictorum suorum remedium, honorabiliter ad Dei laudem, et canonicalem regulam imperpetuum servandam et tenendam construxerunt. Sunt igitur, &c.

[A description of the tenements.]

Scripta est hæc cartula anno ab Incarnatione Domini 1018, scilicet secundo anno regni mei: peracta verò est hæc donatio die natalis Domini; et postmodum in die *Pentecostes* confirmata, quando *Mothilda* conjux mea in basilicâ *S. Petri Westmonasterii* in reginam, divino nutu, est consecrata. Ego *Willielmus*, Rex *Anglorum* et Dux *Normannorum*, sub sigillo sanctæ crucis inclinabiliter consensi atque roboravi. Ego *Matilda*, Regina, consensum præbui. Ego *Ricardus*, Regis filius, annui. Ego *Stigandus*, Archiepiscopus, subscripsi. Ego *Willielmus London*, Episcopus, infra cujus muros præfatum monasterium situm est, signaculo sanctæ crucis subaravi et libertatem omnimodam quantumcunque meæ pertinet possibilitati, concessi. Ego *Odo Bajocensis* Episcopus, consensi. Ego *Hugo Luxoviensis* Episcopus. Ego *Goisfridus*, Episcopus, corroboravi. Ego *Hermannus*, Episcopus, concessi. Ego *Leovricus*, Episcopus, concessi. Ego *Giso*, Episcopus, concessi. Ego *Eadwinus*, Abbas. Ego *Wolwoldus*, Abbas. Ego *Baldwinus*, Abbas. Ego *Ægelsinus*, Abbas. Ego *Turstinus*, Abbas. Ego *Brand*, Abbas. Ego *Alfwinus*, Abbas. Ego *Ægelwinus*, Abbas. Ego *Sithricus*, Abbas. Ego *Willielmus*, filius *Osberti*, Comes. Ego *Robertus*, filius Regis, Comes. Ego *Eadwinus*, Comes. Ego *Robertus*, Comes. Ego *Marchere*, Comes. Ego *Waldeof*, Comes. Ego *Rogerus de Montgomeri*, Comes. Ego *Ricardus* filius *Gisleberti*, Princeps. Ego *Willielmus Malet*, Princeps. Ego *Arfastus*, Regis Cancellarius. Ego *Michael*, Regis Capellanus. Ego *Gislebertus*, Capellanus. Ego *Willielmus*, Capellanus. Ego *Thomas*, Capellanus. Ego *Bernardus*, Capellanus. Ego *Walterus*, Capellanus. Ego *Rodbertus*, Capellanus. Ego *Johannes*, sanctæ Ecclesiæ *Romanæ* Cardinalis Presbyter, per *Gallias* et *Angliam*, concedente Papâ *Alexandro*, vices Apostolicas gerens, huic constitutioni interfui, et quantum Apostolicæ Sedi pertinuit, libertatem Ecclesiæ præsentis signo confirmavi. Ego *Petrus* sanctæ *Romanæ* Ecclesiæ similiter Cardinalis Presbyter et Cancellarius, ab eodem Papâ in *Angliam* delegatus, huic constitutioni adquiescens propriâ manu subscripsi. (Dug. Mon. Vol. VI. p. 1324.)

^{3*} Ego *Willielmus Willielmi* Regis filius, Dei dispositione Monarcha *Britanniæ*, pepigi id, in eorum optimatam meorum presentia, quorum nomina subtus sunt annexa, et ut per posteritates succedentes apud quosque homines

THE CHIEF BUTLER—"PINCERNA."

Oslac held this office under Ethelwulf, who had married his daughter⁴. In the character of legate or representative of Ethelwulf, he is described as attending the Witenagemot held at Kingsbury⁴. The *body* of the charter affording this information, as preserved in the text of the pseudo-Ingulphus, is certainly spurious, but the *signatures* were probably transferred from an authentic document.

THE CONSTABLE OF THE HOST, or BANNER BEARER—THE "STALLERE,"

(See p. cclvi.) "CONSTABULARIUS REGIS," or "VEXILLIFER REGIS."

A very important charge. The *Stallere* held the highest station in the Witenagemot, and was the first man in the kingdom below the king. It was at the marriage of "*Tovi* the Proud," who possessed this dignity⁵, that Hardacnute expired. *Elgar*, or *Algar*, often noticed as a member of the Witenagemot in the charters of the Confessor, was imprisoned by the Conqueror, and kept in chains till his death,—a sad proof of his importance and quality⁶. Many "*Stalleres*" are noticed in the

veritatis amatores, perseveret ratum, meæ regiae auctoritatis annecto sigillum, sed et propria manu mea depingo crucis dominicæ signum. Mill. lxxx. viii. anno ab Incarnatione Domini, secundo vero anno regni Regis *Willielmi* filii prioris *Willielmi*: confirmatio autem hujus chartæ facta est apud *Doveriam* eo tempore quod superius determinatum est.

Ego *Thomas*, Archiepiscopus Eboracensis, laudavi. Ego *Mauricius Londoniensis* Episcopus, corroboravi. Ego *Walchelinus Wintoniensis* Episcopus, aptavi. Ego *Osmundus Sarbiensis* Episcopus, consolidavi. Ego *Osbernus Exoniensis* Episcopus, confirmavi. Ego *Remigius Lincolniensis* Episcopus, astruxi. Ego *Rotbertus Herefordensis* Episcopus, audivi. Ego *Rotbertus Cestrensis* Episcopus, conspexi. Ego *Cunnulfus Roucestrensis* Episcopus, annui. Ego *Wolestannus Wigrecestrensis* Episcopus, accessi. Ego *Radulfus Cicestrensis* Episcopus, vidi. Ego *Herbertus Tetfordensis*, Episcopus, audivi. Ego *Goiffridus Constantiensis*, hoc exquisivi. Ego *Hoellus Cœnomannensis* Episcopus, interfui.

Ego *Wido*, Abbas Sancti *Augustini Cantuarii*. Ego *Gislebertus*, Abbas Sancti *Petri Westmonasterii*. Ego *Turstinus*, Abbas *Glestoniensis*. Ego *Symeon*, Abbas de *Eli*. Ego *Baldwinus*, Abbas Sancti *Eadmundi*. Ego *Reginaldus*, Abbas de *Abendona*. Ego *Rotbertus*, Abbas Sancti *Petri Wintoniæ*. Ego *Walterus*, Abbas de *Evesham*. Ego *Paulus*, Abbas Sancti *Albani*. Ego *Odo*, Abbas de *Certiseio*. Ego *Godefridus*, Abbas de *Malmesberia*. Ego *Goisbertus*, Abbas de *Bello*. Ego *Serlo*, Abbas de *Gloecestria*. Ego *Goisfridus*, Mala terra.

Ego *Rogerus*, Comes. Ego *Rotbertus*, Comes. Ego *Symon*, Comes. Ego *Hugo*, Comes. Ego *Alanus*, Comes. Ego *Henricus*, Comes. Ego *Walterus*, Comes. Ego *Willielmus*, Comes. Ego *Rotbertus* filius *Hannonis*.

Ego *Philippus*, Capellanus. Ego *Rotbertus*, Cancellarius. Ego *Samson*, Capellanus. Ego *Turgisus*, Capellanus. Ego *Geraldus*, Capellanus. Ego *Ansgerus*, Capellanus. Ego *Herbertus*, Capellanus. Ego *Willielmus*, Capellanus. Ego *Engeranus*, Capellanus. Ego *Ramulfus*, Capellanus. Ego *Petrus*, Capellanus. Ego *Tusaldus*, Capellanus.

Ego *Eudo*, Dapifer. Ego *Ivo*, Dapifer. Ego *Hamo*, Dapifer. Ego *Rogerus*, Dapifer. Ego *Willielmus*, Dapifer. Ego *Rotbertus de Oili*. Ego *Urso de Abetot*. *Rotbertus*, Dispensator. *Hugo de Portu*. *Rogerus de Busleio*. *Rannulfus Peverellus*. *Willielmus Peverellus*. *Aulfus*, Vicecomes. *Alveredus de Lincolna*. *Ernulfus de Hesding*. *Folco Crispinus*. (Hickes, Diss. Gr. p. 47.)

⁴ Asser, p. 1. Ingulph. p. 15.

⁵ *Tovi* le Prude, qui totius *Angliæ* post regem, primus *Stallere* sive *Vexillifer* Regis, monarchiam gubernabat. Ille tunc in remotis *Angliæ* partibus degebat, regiis implicitus negotiis, secundus à Rege, sicut qui præ cæteris terræ magnatibus curam omnium gerebat, et regi proximus in consilio, et præcipuis regni causis assistebat.

(Waltham Chron.—Julius, D. VI. 80.)

⁶ *Algarus* quidam *Stallare*. possessionem illam invadit, invadens possedit, possidens velut proprio abuti cœpit, jamque indebite possessor est factus, cui juste foret alienus, Abbas vero præfatus *Wlfricus* et fratres loci, eum sedulo, licet frustra requirentes, cum nihil apud eum profecissent, pium regem *Edwardum* adeunt, de indebita hostis pervasione conquerentes, illius suffragium implorant, sed ille rebus et honore sublimis, nec Deum nec hominem verebatur, Regiis jussis nequaquam obtemperans, illum imitabatur qui dixit, ponam sedem meam ad aquilonem et ero similis altissimo, sed sicut ille de cœlo in infernum ruit, sic iste per superbiam et abusionem in scandalum et opprobrium cadendus est. *Normannis*, Dei judicio, *Angliam* bello citius obtinentibus, qui usque ad diem mortis ejus cum pluribus aliis in ergastulo carceris ferro astrictus, mox retrudendus erat. Fratres autem, cum in gratiam nec prece nec promissis ipsius animum flecti cognovissent, jaculo anathematis eum ferire adgressi sunt, nec sententiam super eum ullo die prætermittebant. Quod ille diutius parvipendens, licet magnus et potens in regno, uti Regis *Constabularius*, ab Ecclesia eliminatus et fidelium consortio, ad correctionem, vix tandem cunctis jam detestabilis effectus, compulsus est pervenire. (Hist. Eliens. p. 512.)

writs of the Confessor; probably there was a Constable in each shire. The Anglo-Saxon title is derived from *steal* or *þorþ-steal*, in plain English, the *Stall*, *Horse-Stall*, or *Stable*: but the authorities adduced, leave no doubt as to the nature of the dignity.

THE CHAMBERLAIN,—“BUR-THEGN,”—or “CUBICULARIUS.”

The English language affords many curious proofs of the simplicity of ancient architecture. To “timber,” *ȝetimbruan*, is to build. In that very familiar term, “Lobby,” so modern in its sound, and so inseparably associated in our ideas with the Theatre Royal and the House of Commons, the etymologist can easily trace the “*Laube*,” the leafy arbour raised in front of the more substantial dwelling⁷. And the *Bur*, or *Bower*, was the chamber, the habitation of royalty. The *Bur-thegn*⁸, the Thane of the Bower, seems to have begun by holding the king’s purse: he obtained possession of the king’s *Hoard* much about the same time that the Chancellor began to keep the king’s conscience. *Hugoline*, the Chamberlain of the Confessor, was much more vigilant over the treasury than his good Master. It chanced that Edward was lying in bed, and, as it appears, in the day-time, when the Chamberlain came in, and busied himself about the chest which held the King’s money, either putting somewhat in, or taking somewhat out: and then he quitted the bower, forgetting to lock the chest. The King saw him, and so did the little Scullion-boy, who, fully persuaded that the Confessor was asleep, crept softly to the tempting hoard, and filling his bosom with the gold, he softly stole away.—The king saw him, but said nought.—Having safely deposited his acquisition he ventured a second time into the king’s chamber, made a second attempt, and was equally successful.—The king saw him, but said nought. A third time he approached the hoard, and then Edward, alarmed, not for the safety of his money, but for the safety of the thief, exclaimed,—“Have a care, boy, and be off with what thou hast; for if Hugoline finds thee out, not a penny will he leave thee⁹.”

Hugoline, the Chamberlain or Bowerthane of Edward the Confessor.

The Lord Chamberlain still displays the “Key” as the token of the office; and the chirographs of fines and other legal records, yet deposited in the nominal custody of the Treasurer and Chamberlains of the Exchequer, attest the manner in which these Anglo-Saxon usages were continued by the Anglo-Norman kings. (See p. 145.)

THE GRAND CARVER, “DISC THEGN,” or “DISH THANE.”

*Ethelmar*¹⁰ and *Alfheah*¹¹ are upon record as holding this office.

⁷ The root of the word, *Leaf*, or *Leafe*, runs through all the variations of *Loff* (Dan.), *Loof*, *Loove* (Belg.) and *Laub* (Germ.) From the latter is formed *Laube*, any kind of leafy shade, whether a hut or tabernacle constructed of the branches of trees, or an arbour or covered walk, or a deambulatory in front of any building,—*Lobia*, *Laubia*, *Lobiam*.—Porticus operta ad spatiandum idonea ædibus adjuncta—*Gallerie*—ex *Theutonico*, *Laub* folium, quod ejusmodi deambulatoria in prædiis rusticis foliis obducantur et operiantur.—(Du Cange.) But in the usual process of language the primary idea was soon obscured; and in Italy, in the eleventh century, they began to apply the term to any arched portico, or *Lobia* of other materials.—Juxta *Lobiam* marmoream *Lobiam* sub diversis arcubus complevit (Galvanus Flamma, apud Muratori, 12, p. 1015); and by another inflection, from *Lobia* or *Lobia*, the Italian *Loggia* is evidently derived.

⁸ *Burþen*, *Burþegn*, Cubicularius, Camerarius (Ancient Glossary quoted by Lye). The following passage is one of the many in which we find a notice of the deposit of a concord in the Treasury, under the care of the Chamberlain.—Ut igitur hoc totum, apud generationem nascituram, robur solidum et perpetuam obtineret firmitatem, decrevit Rex omnia, ordine quo gesta sunt vel relata, literis *Anglicis* ad monumentum futurorum declarari, ejusdemque scripti medietatem in gazophilacio, ubi quæcunque habebat præcipua et pretiosa, erant reposita, ab *Hugolino* cubiculario diligenter conservari. (Hist. Rams. p. 458.)

⁹ *Ailredus* de Vita et Miraculis Edwardi Confessoris, p. 376.

¹⁰ Ego *Æthelredus Angliæ* Rex, hoc ecclesiæ Christi privilegium ex auctoritate Christi confirmo. Ego *Aelfricus*, Ecclesiæ Christi Archiepiscopus, boni regis munificentiam signo crucis in æternum corroboro. Ego *Wulfstanus*, *Londoniensium* Episcopus, Domini mei nobili dono semper consentio. Ego *Alfheah*, *Wintoniensium* Episcopus, hoc antedicti Regis scriptum meis viribus confirmo. Ego *Ordbyrhtus*, Episcopus, idem hoc cum Dei benedictione

THE KEEPER OF THE WARDROBE, or "HRÆGEL THEGN."

The word "*Hrægel*," garment, is preserved in "*Night rail*," which has only become obsolete since the days of Addison. Possibly, the "*Hrægel Thegn*" is the same officer as the Cubicularius, or Thane of the Bower.

THE PRIVY COUNSELLOR, or "THEGN ÆT RÆDE AND ÆT RUNAN."

Under the special denomination of "*Thegn at ræde and æt runan*," he is mentioned only in one document; *ræde* is council—*run* or *runa* implies both council and secrecy¹². This functionary was, therefore, a Privy Counsellor—*Runemede*, as is well known, was the field of private council. The *Redesmen*, *Rædegifan*, or counsellors, occur in the chronicles and in the more precise language of the charters^{12*}; and they appear in the very remarkable writ or patent issued by Henry III.¹³, pursuant to the Provisions of Oxford, the last official document in that

feci. Ego *Athelricus*, Episcopus, hoc idem feci. Ego *Athulfus*, Episcopus, hoc idem feci. Ego *Godwinus*, Episcopus, omne hoc idem feci. Ego *Lyfing*, Episcopus, Domini mei voluntatem et bonitatem in æternum confirmo.

Ego *Wulfricus*, Abbas, verus testis. Ego *Ælfwardus*, Abbas, similiter. Ego *Wulfgar*, Abbas. Ego *Ælfsige*, Abbas. Ego *Leofric*, Abbas. Ego *Wighard*, Abbas.

Ego *Ælfricus*, Senator. Ego *Ælfhelmus*, Senator. Ego *Leofwinus*, Senator. Ego *Leofsigas*, Senator. Ego *Æthelmærus*, Domini mei Dapifer, testor. Ego *Ordulphus*, itidem verus testis. Ego *Eadricus*, fidelis testis. Ego *Byrhticus*, Regis Minister, testor. Ego *Æthelricus*, Senior, fidelis testis. Ego *Leofricus*, vestiarius, verus testis. Ego *Siwardus*, Regis Minister, hoc verbum fideliter testor.

In the Anglo-Saxon duplicate of this instrument we have equally the description of the king's household officers, and more fully than in the Latin text.

Ic *Æthelmær*, mines hlafordes Discthegen gewitnys.

Ic *Byrhtic*, cynges thegen gewitnys.

Ic *Leofric*, hrægel thegen trywe gewitnys.

Ic *Syward*, cynges thegen æt ræde and æt runan, thise spræce trywe gewitnys. (Concilia, Vol. I. pp. 283, 284.)

¹¹ Lib. Abb. p. 54. Claud. C. II.

¹² *To rune gegangen*—To go or to take council.

^{12*} See Sax. Chron. p. 211, and p. ccxxvi. This station gave great consequence, as appears from the following instance:—

Hemingius, or whoever was the compiler of the chartulary, is relating a conversation with Bishop Wulstan, who told him how the Church had acquired *Clent* and *Terdebrigg*. Dixit enim quendam decanum loci istius extitisse, Egelsium nomine, nobilem valde, et prudentem, tam in monasticis quam in secularibus actionibus, in tantum, ut inter consiliarios Regis connumeraretur, et esset inter eos satis conspicabilis. Hinc factum est ut in divitiis et pecuniarum abundantia, plurimos majoris ordinis precelleret, &c. (Hem. p. 277.)

¹³ *Henri*, þurg Godes fultume, King on *Engleneloande*, Lhoaverd on *Yrloand*, Duk on *Normandie*, on *Aquitain*, and Eorl on *Aniow*, send igreteinge to alle hise halde, ilærde and ilæwede, on *Huntendonschir*.

þæt witen ge wel' alle, þæt we willen and unnen, þæt þæt ure *Rædesmen* alle, oþer þe moare dæl of heom, þæt beoþ ichosen þurg us and þurg þæt loandes folk on ure kuneriche habbeþ idon, and schullen don in þe worþnesse of Gode, and on ure treowpe, for the freme of þe loande, þurg þe besigte of þan toforen iseide rædesmen, beo stedefæst and ilestinde in alle þinge abuten ænde.

And we hoaten alle ure treowe in þe treowpe þæt heo us ogen, þæt heo stedefæstliche healden, and swerien to healden, and to werien, þe isetnesses þæt beon imakede and beon to makien, þurg þan toforen iseide rædesmen, oþer þurg þe moare dæl of heom, alswo hit is biforen iseid.

And þæt æhc oþer helpe, þæt for to done, by þan ilche oþe, agenes alle men, rigt for to done and foangen, and noan ne nime of loande ne of egte whæreþurg þis besigte muge beon ilet oþer iwersed on onie wise, and gif oni oþer cumen her ongenes, we willen and hoaten þæt alle ure treowe heom healden deadliche ifoun.

And for þæt we willen, þæt þis beo stedefæst and lestinde, we senden gew þis writ open, iseined wiþ ure seel to halden amanges gew ine hord.

Witnesse usseleven æt *Lunden* þane egtetenþe day on þe monþe of Octobr, in þe two and fowertigþe gear of ure cruninge.

And þis wæs idon ætforen ure isworene rædesmen,—*Bonefacius*, Archebischop on *Kanterbur'*. *Walter* of *Cantelop*, Biscop on *Wirechestr'*. *Sim'* of *Muntford*, Eorl on *Leischester*. *Ricard* of *Clare*, Eorl on *Glowchestr'* and on *Hurtford*. *Roger Bigod*, Eorl on *Northfolk* and Marescal on *Engleneloand*. *Perres* of *Sauveye*. *Will'* of *Fort*, Eorl on *Aubemarle*. *Johan* of *Plesseis*, Eorl on *Warewik*. *Joh'* *Geffreessune*. *Perres* of *Muntfort*. *Ric'* of *Grey*. *Roger* of *Mortemer*. *James* of *Aldithel*, and ætforen oþre moge.

And al on þo ilche worden is isend, into avrihce oþre shcire over al þare kuneriche on *Engleneloand* and ek in tel *Irelonde*. (Rot. Pat. 43 Hen. III. m. 15.)

dialect which may be termed Anglo-Saxon: and after which we find no public instrument in the vernacular language until the reign of Henry V. The term *Redebora*, sometimes rendered "*consul*," is applied, in the Devonian compact, to the magistracy of the Britons.

(p. 464.)

Henry, by God's help, King of *England*, Lord of *Ireland*, Duke of *Normandy*, and of *Aquitain*, and Earl of *Anjou*, sendeth greeting, to all his lieges, learned and lewed, of *Huntingdonshire*: This know ye all well, that we will and grant that, that our Rædesmen all, or the most of them, that be chosen by us, and the landsfolk of our kingdom have done, and shall do, for the honour of God, and under their allegiance to us, for the benefit (or amendment) of the land, by the advice or consideration of our aforesaid rædesmen, be stedfast and lasting in all things, without end. And we command all our liege people in the fealty that they owe us, that they stedfastly hold and swear to hold (or keep) and to defend (or maintain) the statutes (or provisions) which be made, and shall be made, through those aforesaid Rædesmen, or by the more part of them, all so as it is before said; and that they each other help to perform, according to that same oath, against all men, doing, and causing right to be done: and no one make any distress of land or goods, whereby the provisions may be hindered or worsened in any wise: and if any others come against them, we will and command that all our liege people them hold for deadly foes; and because we will that this be stedfast and lasting, we send you this patent writ, signed with our seal, to be kept amongst you in Hoard. Witness our self at *London*, the 18th day of the month of *October*, in the two and fortieth year of our coronation; and this was done before our sworn Rædesmen, *Boniface*, Archbishop of *Canterbury*. *Walter* of *Cantelow*, Bishop of *Worcester*. *Simon* of *Montfort*, Earl of *Leicester*. *Richard* of *Clare*, Earl of *Glocester* and of *Hartford*. *Robert* *Bigott*, Earl of *Norfolk*, and Mareschal of *England*. *Peter* of *Savoy*. *William* of *Fort*, Earl of *Aubemarle*. *John* of *Plessez*, Earl of *Warwick*. *John* *Gefferison*. *Peter* of *Montfort*. *Richard* of *Grey*. *Roger* of *Mortimer*. *James* of *Aldithly*. And before others more.

And in these same words is sent into every other shire over all the kingdom of *England*, and also into *Ireland*.

ALDERMEN and EARLS.

Aldermen. Wide application of the title.

Ealdorman or *Elterman*, appears to have been originally the principal title of honour amongst the Teutons,—*Sheik* has the same meaning,—*Senior* and *Senator* the like,—all pointing out the patriarchal origin of authority. The Saxons used the term with considerable latitude. Thus did they designate the first leaders of their tribes, who conducted their ancestors from Germany,—the founders of the royal lines,—the chieftains of the Scots,—and the *Subreguli* who governed the subordinate kingdoms¹. All those who in the Latin charters are styled “Principes,” “Duces,” or “Comites,” were also Ealdormen in their various ranks and degrees: consequently the title is so interpreted by the judicious compiler of the *Historia Eliensis* (p. 466), “Surrexere viri potentes, videlicet Egelwinus qui cognominatus est *Alderman*, quod intelligitur *Princeps*, sive *Comes*, et fratres sui, dicentes quod pater eorum, Adalstenus *Alderman* pro patrimonio suo, quod erat in provincia, quæ dicitur *Defene*, terram illam cambierat.” During the Saxon period, I am not aware that “Alderman” is ever specifically applied in the written laws, to the Magistrates of Towns; but so many of the Burghs were really Shires or Hundreds, that any of the numerous regulations, speaking of Aldermen in general, would equally apply to those who held the Court within the walls. London in particular seems to have had Aldermen from time immemorial, and the honours which they possessed in the middle ages of our

¹ Here arrived two *Ealdormen* in Britain, Cerdic, and Cynric his son, with five ships. (Sax. Chron.)

....Osuald, misit ad *majores natu* Scottorum, &c. (Bede, IV. 3.)

....tha sende he to Scotta *Ealdermannum*, &c. (Alfred's Version.)

....cujus Episcopatus tempore, devictis atque amotis *Subregulis*, Cædwalla suscepit imperium. (Bede, IV. 12.)

....and in thæs Biscopes tide, wæron oferswythe and geflymde tha *Ealdormen*. (Alfred's Version.)

history, may perhaps be received as affording some evidence of their station in the olden time.

After the Conquest, when the title of *Ealdorman* became disused in the higher orders of the state, the municipal magistrates continued in undisturbed possession of the name. The title continued to hold its station in the Moot Hall, because it was forgotten in the Parliament. The Aldermen noticed in the laws as holding the Shire Courts, seem in most instances to have been the hereditary rulers of the country. The laws of Henry I. speak, however, of special Aldermen of the Hundred, who presided in the Court, and administered justice². An officer styled the Alderman of the Hundred, chosen by the Suitors, and who *represented* the Hundred, in the Court of the Shire, existed till the reign of Edward I.³ He then performed only the humble duties of a Beadle. He is indicted as a nuisance, inasmuch as he had no other fee or salary, save what he could extort from the people, and the disreputable office fell into disuse; yet he does really appear to have been the degenerate, though legitimate successor of the ancient functionary.

Alderman of the Hundred chosen by the Suitors, and appearing as the representative of the Hundred in the County Court.

² LL. Hen. I. c. 8.

³ *Sussex*. Juratores dicunt, quod *Baronia de Aquila* est escæta Normannorum, quæ est in manu Domine Regine matris Regis nunc, et sunt in eadem Baronia lxii. feoda militum quæ pertinent ad custodiam Castri de *Pevenes*. Et Hundreda Baroniæ dant ad auxilium Vicecomitis, ix, l. xvii, s. vi, d. per quod Barones et Milites totius Baroniæ quieti sunt de secta ad Comitatum, salvis *Aldermannis Hundredorum qui faciunt sectam ad Comitatum pro Hundredo*. Et prædicta Baronia valet per annum ccc l. Et Castrum de *Pevenes* pertinet ad coronam. (Rot. Hundr. 3 Edw. I., Vol. II., pp. 204, 205.)

Sussex. Juratores de *Rutherbrugge*, dicunt quod Hundredum istud est in manu Ricardi de Mundevill et valet per annum duas marcas præter communem finem, quem ballivi illius Hundredi percipiunt pro pulchere placitando, et nihilominus occassionant ipsos pauperes et innocentes, de omnibus quærelis, ac si nihil darent. Et præter hoc est ibi quidam Bedellus qui vocatur *Aldreman*, qui dat pro ballivâ suâ per annum quatuor marcas et nihil habet de certo de quo possit dictam firmam levare, nisi quod poterit extorquere de populo sibi subdito, et injuste. Et aliquo tempore solebant hujusmodi bedelli eligi per sectatorum Hundredi; et tunc parum vel nihil dederunt pro ballivâ suâ. (Rot. Hundr. 3 Edw. I., Vol. II. p. 214.)

EARLS.

The title of Earl, as denoting a specific dignity, introduced by the Danes, though always used by the Anglo-Saxons as expressive of high and distinguished birth.

The authority of Ethelward seems to be conclusive, that in his time, the title of *Earl*, if considered as denoting a specific dignity, was not employed by the Anglo-Saxons⁴; but it certainly designated a person of noble race. This is the form in which it is employed in the laws of Ethelbert. The Earl and the Churl are put in opposition to each other, as the two extremes of society. The laws of the Kentish King, and the traditional customs of the age of Athelstane⁵, describe the *Earl-kind* race, as the highest order of subjects: they are placed above the Ealdormen, and if that last mentioned term be taken in its more usual technical sense, as denoting the Hereditary rulers of the smaller tribes, there may be some reason for the supposition that, in this particular instance, the title of "Earl" denotes the "*Athelings*," the immediate descendants of the sovereign; and the traditionary opinion that the sons of the King of England were Earls by birth⁶, seems like a reminiscence of Anglo-Saxon policy. In the more general sense, however, Earlship or Earldom was only high nobility; and very long after the title was appropriated by law to the Peer of Parliament, the

Earl supposed by some to be equivalent to *Atheling*.

⁴ "Undecim consules ruunt," says he, speaking of the defeats sustained by the Danes, "quos illi, *Eorlas* solent nominare, et Rex eorum unus."—(IV. 3.) The root of Earl or Iarl, may also be discerned in *ēgws*, *Herr*, *Herus*.

⁵ Wilkins, p. 70.

⁶ "The second sort of Earls are Earls by birth, and so are all the sons of the Kings of England, if they have no other dignity bestowed upon them."—So asserted by Doddridge, in his argument in the Bergavenny case (Collins, p. 102.) I cannot trace the doctrine higher, but it has every colour of antiquity. What are the rights of the younger sons of the Kings of England, supposing they are not advanced to the peerage by the usual mode? They are now mere commoners: their persons may be arrested upon civil process; and if arraigned of felony, they would be tried by a common jury. But it is difficult to believe that in the old time they were destitute of every dignity and nobility.

Yeoman of the North continued to bestow this title upon Gentlemen of ancient descent and honoured family. When Johnny Faw the Gipsy, is described as the "Earl of Lower Egypt," it is only the same application of the idiom of the old time.

The Scandinavians gave the title of "Earl" or "Jarl," to the Chieftains who ranked immediately below the King. It is said that, originally, persons of royal blood and lineage could alone claim this dignity⁷. The "*Hird Skraa*," or "*Jus Aulicum Norwagiæ*," compiled in the thirteenth century, distinguishes a class of Earls who appear in the nature of Viceroys,—they administered the "*Skatlande*," or countries tributary to the crown of Norway. Harold, the father of Haco, is said to have first appointed official Earls of this nature⁸. Such an Earl governed every district, or *Fylki*, receiving one third of the revenues as his salary.

Norwegian Earls, or Jarls.

Another class of Earls consisted of those rulers who held their Earldoms, not as the King's Viceroys, but as their Feuds or property. The writer of the "*Hird Skraa*" represents such territories as obtained from the free bounty of the King, and granted by his grace and favour. That the Jarldoms or Earldoms, given as appanages to the members of the royal family, were of this class, may be conceded, but a different origin must be assigned to the authority possessed by those Jarls who may be styled the mediatised Princes of the North. The mode by which they were displaced from a higher rank, is instructively displayed in the following singular example, which throws much light upon Anglo-Saxon history.

⁷ Ihre, p. 964.

The "great Earl of Whitfield," the enemy of Hobbie Noble (Border Minstrelsy, I. p. 245), was only an individual of a good old family, and proprietor of a large demesne. The "Earls of Socburn" were gentlemen of the same class. (Surtees's Durham, II. p. 209.)

⁸ Haralld's Saga, p. 100.

History of Herlaug and
Hrollaug, Kings of
Naumedale, in Norway.

There were two "*Kings*" in Naumedale, in Norway, Herlaug and Hrollaug, who, during three years, employed themselves and their subjects in raising a mound or tumulus, which, according to Snorro, was composed of stone, lime, and timber. At the top thereof was a seat, on which they held their Court as Kings. Scarcely was this Hill of Estate completed, when Harold Harfager approached with his army. Resistance was hopeless, but Herlaug would not submit to any superior. He entered the chamber of the tomb, beneath the mound, accompanied by twelve trusty followers, who, with their Lord, abandoned for ever the light of day. Meat and drink they took with them, but the earth was cast upon them, and they never emerged again. Hrollaug now ascended the eminence, and seated himself as King in the royal throne. Having done so, he descended, and took his place on the under-bench, whereon the *Jarls* were used to sit, and, in presence of the people, he declared that he assumed the name and title of a Jarl. Harold had now entered the territory, and Hrollaug, humbly drawing nigh unto the King of all Norway, surrendered up his little kingdom, and offered himself to Harold as his Man; and Harold took a sword and bound it to Hrollaug's side, and he hung a shield round Hrollaug's neck, and created Hrollaug his *Jarl*, and then he conducted Hrollaug to the "high seat" or throne, and gave him seizin of the dominion of *Naumedale*, no longer a Kingdom, but a *Læn*, and placed him as Jarl to rule over and govern the same⁹.

Hrollaug surrenders his
kingdom to Harold Har-
fager, and receives it
back as an Earldom.

It may be here remarked, that great importance was attached to the title of King: and, even as Harold acted with respect to

⁹ Snorro, Haralld's Saga, cap. 8. The vassalage, and the conversion of the *Riki*, or kingdom, into a *Læn*, are expressed with great precision. Eptir that fór Hrollaugr moti Harrolldi Könungi, oc gaf honum alt riki sitt, oc baud at göraz hans madr. Tha tok Harraldr Könungr sverð oc festi a lindi hönum, tha festi hann skiöld a hals hönum, oc gerdi hann Jarl sinn, oc leidde hann i ha-setti, tha gaf hann hönum Naumdæla fylki oc sætti hann thar, Jarl yfir.

this "Fylkis Konung," so did Edred, when he suppressed the royal title in Northumbria, and converted the province into an Earldom¹⁰.

The privileges and rights of the Anglo-Saxon Earls, in the reign of the Confessor, are ascertained with considerable distinctness from Domesday. In Deira, or Yorkshire, the Earl had nothing in the King's demesne manors, nor the King in the Earl's. The King had "four high ways," three by land¹¹, and one by water, and all forfeitures incurred thereupon were divided between the King and the Earl,—the proportion is not mentioned,—whether the way passed through the land of Archbishop, Earl, or King. Peace, given under the King's hand, or by his seal, was compensated by "twelve hundreds;" if, by the Earl, half was paid. He who was outlawed by the King could only be pardoned by the King. But the Earl or the Vicecomes could outlaw in like manner, and theirs was the pardon of such outlawry. Thaners who had "sake and soke" forfeited to no one but to the King and to the Earl¹². The rights in other shires vary in details, but agree in principle. Generally speaking, the Earl received one third of the *land-gable* or rent, paid by the shire-town; and this proportion of the gable, as well of the market-toll and the legal fines, seems to have been due of common right when not otherwise expressed¹³; in the Anglo-Norman age this third penny was inseparable from the Earldom. In the shire which he ruled, the Anglo-Saxon Earl was next only to the King¹⁴.

Anglo-Saxon Earls.

Rights of the Earls of Deira, in the reign of the Confessor, adduced for the purpose of exemplifying the general nature of the dignity.

¹⁰ p. cccxviii.

¹¹ Probably such of the Roman ways as traversed the country (p. cxxxvii.)

¹² Domesday, Everwicscire, 298.

¹³ Comitibus rectitudines, secundum Anglos, istæ sunt communes cum Rege, tertius denarius in villis ubi mercatum convenerit, et in castigatione latronum. (Text. Roff. p. 45.)

¹⁴ Thus, Orm Gamalson dates the building of the church of Rydale,—“In Edward dagum Cyng, and in Tosti dagum Eorl” (Arch. V. p. 90), In the days of Edward the King and of Tosti the Earl.

The official Earls had probably the same rights as those who held their territories by a feudal right, and it is therefore difficult to distinguish between the two classes. The greater part of the Danish Earls appointed by Canute seem to have been of the official class. But all the great Earls under the Confessor evidently considered themselves as Peers, and as equally possessing vested rights, which could not be legally assailed by the King.

TENURES.

BOCLAND and FOLKLAND — LÆNLAND — HERIOTS — SERVICES.

BOCLAND, derived its name from the mode of its creation, and included many classes of tenure. In its primary sense, *Bocland*, signifies land granted by *landboc* or charter. Such a grant proceeded from the compact of the parties; the tenure, and the conditions according to which it was held, might, therefore, be subject to the greatest varieties. A *feorm* or rent might be reserved, or the land might be wholly free. The property might be held for lives or at will, for services, certain or indefinite, or with no reservation of services¹.

Bocland,—i. e. land granted by "landboc," or charter.

Bocland, constituted the one principal genus of territorial property. The other was *Folkland*², of which we know little more than the name. It is scarcely ever mentioned in the Anglo-Saxon muniments: and the paucity of notices concerning *Folkland* resulted, in all probability, from its nature, *viz.* that the land derived under a charter, and held by immemorial custom and usage, was not affected by the ordinary modes of conveyance. After such land had become the subject of a written grant, it changed its nature, and was converted into *Bocland*³.

Folkland, land possessed by immemorial usage.

¹ Allen's Inquiry, p. 155.

² From the import of the following passage it is evident that the two qualities of *Bocland* and *Folkland* comprehended all the land respecting which a claim of right could be raised (Edward the Elder, 2). Eac we cwædon hwæs se werthe wære the othrum rihtes wyrnde, aþor oththe on boclande oththe on folclande, hwonne he him rihte worhte beforan thæm gerefan. Gif he thonne nan rihte næfde; ne on boclande ne on folclande, that se wære the rihtes wyrnde scyldig xxx scill. with thone cyning. æt othrum cyrre eac swa: æt thriddan cyrre cyninges oferhyrnysse, that is cxx scill. buton he ær geswice.

Lænlend, though plainly distinguishable for some purposes from *Bocland*, was probably included under that name, inasmuch as it was granted by *Landboc* or charter.

³ This is Spelman's opinion,—“Terra popularis, scilicet quæ jure communi possi-

Judging from the appellation, for we have little else to guide us, Folkland, was land originally possessed by the nation, tribe, clan, or sept, but which had been allotted, in severalty, to individuals. As the "trinoda necessitas," or the obligation of contributing to the "Fyrd," or military service, and to the repairs of the burghs and highways, is always expressed in the most general terms, Folkland must have borne the common burden.

Testamentary dispositions unknown to the ancient Teutons.

How Folkland was conveyed we know not. As there are no charters concerning it, we may suppose it was transferred in the presence of the Folkmoot, and by the delivery of some visible symbol. And speaking with less doubt and hesitation, we can affirm that no testamentary disposition could alienate Folkland from the heir, and that it could only be affected by transactions *inter vivos*. Testamentary dispositions were wholly unknown to the Teutonic nations⁴; at this day, such a power does not apply to lands held by copyhold or customary tenure. Strictly speaking, these lands are not Folkland, but they retain a great affinity thereto. They are Anglo-Saxon tenures, which, though much modified by the law of the later ages, have survived the Conquest. Copyholds, or customary tenements, as is well known, are not the subject of testamentary devise. If the tenant wishes to pass the lands to a devisee, he surrenders them to the use of his will. He comes into Court amongst his Peers, and declares, or makes known to the Lord that he wishes that the lands shall go, after his decease, to such persons as he shall name in his will. The superior is merely the medium through whom the land is transferred. He receives the land from the tenant, in order that it may be made to vest in the devisee.

detur, vel sine scripto. Ei contraria quæ *Bocland* dicitur." Lye adds, "ad voluntatem domini, censum annuum pensitans, et officiis servilibus obnoxia," for which last assertion, adopted from Somner, no competent ancient authority can be found.

⁴ Tac. Germ. 19.

Such appears to have been the original nature of the Anglo-Saxon *Cwythe*⁵, or bequest. The Tenant addresses the King, and prays that his wishes may be granted, that his will may stand; and whenever the quality of the land is not described, and the testator solicits the King to carry his intentions into effect, I agree in the opinion⁶ that the land was generally of the quality before described. The power of enabling the owner to make a devise, was vested in the Crown. As chief of the state, the King could convert Folkland into Bocland⁷. The license is solicited humbly, and as a favour, and it is possible that it was a request which might have been refused, and that the King did not act entirely in a ministerial capacity: but the legal nature of the transaction is not impaired or affected by considering the permission, as emanating from the prerogative of the sovereign.

The Anglo-Saxon *Cwythe*, or bequest, a transaction in the nature of the surrender made by a copyholder to the use of his will.

In many of the Bocland grants made by or in the name of the sovereign, a full and absolute enjoyment of the property during life, and of bequeathing the same after the decease of the owner, is imparted by the Landboc. Bocland thus became synonymous with inheritance⁸. It is very possible that many of such charters or grants, appearing to proceed from the mere bounty and munificence of the King, were, in fact, formal conveyances, grounded upon *resignations* to a feudal superior,

Many of the grants of Bocland, probably only instruments of conveyance, grounded upon resignations or surrenders.

⁵ Cypan or Cwipan,—to announce, speak out, declare, or notify. In ordinary language we preserve the word in the defective *quothe*. The *Cwythe* was at first merely the last declaration of the will of the testator. But as the word "*Will*" has acquired a technical sense, so "*becwæpan*," to bequeath, was soon restricted to the declaration thus emphatically made for the purpose of effecting the disposition of property.

⁶ Allen's Inquiry, p. 147.

⁷ And as such, the prerogative is enumerated amongst the "*consuetudines regum inter Anglos*." Carta alodii ad æternam hæreditatem. Forisfactura allodii et pretium eorum qui habent alodium quando ita profunde forisfaciunt se ipsos. (Text. Roff. p. 44.)

⁸ See p. ccxix. 3, 4. p. ccxxi. 7, 8. The precedents there given, are examples of the usual form.

or resulting from a surrender of the *Folkland*, made by the owner for the purpose of receiving it back, with an unfettered power of disposition, both conjectures being supported by the jurisprudence of the Feudal Kingdoms. Other of these Landbocs were probably the grants made by the sovereign pursuant to a bequest. Once affected by such a grant, the *Folkland* lost its nature and became *Bocland*. The owner of the *Bocland* might direct the descent of the property in any way which he thought proper. The practice is evinced by numberless examples. The succession of the property was limited, varied, or restrained, as suited the wishes of the testator, and the law protected the entail⁹. The greatest proportion, however, of the *Boclands* were probably such as the sovereign granted to his Thanes as the price of their services, sometimes in perpetual inheritance, sometimes for one or more life or lives¹⁰. In such a case, if the tenant did not allow the land to pass to his heir, he named the persons who were to take it after

⁹ Alfred, 37.

¹⁰ The power might be for three lives absolutely. The donor might have the power of nominating the "hæredes," or "yrfweardes," after which the land reverted to the lord (p. ccxxii. No. 11, 12, 13, 14, 19). It might be limited to two persons, "two milites" in succession, with a power to the second life, if he should survive, of naming one of his two brothers (Hem. p. 210): to a man, his wife, and one of their children (Hem. p. 188): to a widow, with power to name the lives from her children, if she should leave any, but if not, then from strangers in blood (App. Bede, p. 771). A "Minister" who had "earned" a grant of blood from his lord to himself and two of his heirs, makes his declaration or *bequest* that it shall go to his son, who may give the same to whom he likes best, so as the donor be a male, or of the *spear* side. Ego *Oswald*, &c. A.D. 963, annuente Regi Anglorum *Eadgaro*, *Alfereque Merciorum* Comite, necnon et familiæ *Wiogornensis* ecclesiæ, quandam ruris particulam, &c. cuidam ministro meo nomine *Alfric*, perpetua largitus sum hæreditate, et post vitæ suæ terminum, duobus tantum hæredibus immunem derelinquat, quibus defunctis ecclesiæ Dei in *Wiorgorna-ceastre* restituatur. Then follows the *cythe* or *bequest*. Ic *Ælfric* cype minan leofan Hlaforde, þæt ic ón *Æpelsige*, minan suna, þæs landes þe ic to gearnode æfter minan dæge to habbanne his dæg, and æfter his dæge to syllane, þæm þe him leofast seo, and þæt seo on þa spere hand. (Hem. 134.) Sometimes the *Precaria* or *Læn* was only for one life, as in the grant of *Cranefield* made by the Monks of Ramsey to the Earl of Hereford (p. ccxc.)

his death, sometimes by a memorandum on the charter, sometimes by his *Cwithe* or bequest.

There is an early and very remarkable example of a grant made by the Bishop of Worcester to Bertwulf, King of Mercia, for the purpose of purchasing his protection and defence, and to the end that he might be the friend and defender of the See. This grant was made for five lives. After which the land was to revert to the Church ¹¹.

Land thus granted for lives (p. ccv.) constituted one of the classes of *Lænland*. We have a precedent of the renewal of such a grant: the charter by which Archbishop Oswald grants or gebroks three hydes of land to his Thane or Minister ¹², is of this description. He held it as *Lænland* before, but now he takes it back with a further estate, for three lives: and as long as they endure, the tenant need not pray to the lord for a renewal of his tenure.

(pp. cciv. ccxxiii.)
Land thus granted one
of the classes of *Læn-*
land.

Lænland, without doubt, included various classes of interest, and the Lord might absolutely deny any right of perpetual inheritance. This is expressed with great precision in the liberties of "Oswald's law." In whatever manner the lands were *lent* for the purpose of serving the Bishop, he who held the *Læn* or *Loan* was never to acquire any hereditary right in the same, nor claim it as his *Feud* except at the will of the Bishop, and according to the agreement which they had made ¹³.

Liberties of Oswald's
law.

¹¹ Hem. pp. 5, 6.

¹² p. ccxxii. 13.

¹³ Et hæ prædictæ ccc hidæ fuerunt de ipsius dominio ecclesiæ, et quocunque modo præstitæ fuissent, et cuicumque præstitæ fuissent, ad serviendum inde episcopo, ille qui eam præstitam terram tenebat, nullam omnino consuetudinem sibimet retinere poterat, nisi per episcopum; neque terram retinere, nisi usque ad impletum tempus, quod ipsi inter se constituerunt, et nusquam cum hac se vertere poterat, nec jure hereditario eam usurpando retinere, aut feudum suum eam clamare poterat, nisi secundum voluntatem episcopi, et secundum conventionem, quam cum illo fecerat. (Hem. vol. I. p. 287.) In the greater part of the manors belonging to the see of Worcester, the tenants hold by demise in court for three lives.

Force, however, overcame the law; many of such "Loans" might be made to these powerful Tenants, who, if they once had possession of the land, were little willing to surrender the deposit when the term had expired; and it was in vain for St. Cuthbert to demand restoration of the *Præstita* which had been granted to a Northumbrian Earl¹⁴. It is most probable, that the tenant of *Lænland* was a Thane, in respect of his *Læn* or Feud, and hence, such land may have been sometimes called Thaneland, but this is a point of great difficulty. The "Hylde-athe," or oath of fealty, seems to point at land held by conventional tenure, such as the *Læna* before described.

Land granted upon condition of performing domestic services.

Land might be granted as the pay for domestic services.—Eanswitha obtains a *loan* upon condition of washing and making the church linen¹⁵. Godwin, in granting his lands, reserves the life-estates of his Dapifer and his Goldsmith¹⁶.

Heriots or reliefs due on the death of the landholder.

Upon the death of every landholder, the sovereign or the Lord was entitled to claim the *Here-geat* or *Heriot*¹⁷. The

¹⁴ Sunt autem nonnullæ terrarum possessiones, quas *Aldunus* Episcopus, sui temporis Comitibus *Northanimbrorum*, dum necessitatem paterentur, ad tempus quidem præstitit: sed violentia Comitum qui eis successerunt pene omnes eas a dominio ecclesiæ alienavit. (Sim. Dun. Hist. Dun. p. 29.)

¹⁵ Ideo ego *Deneberht* Episcopus, simul cum mea familia "*on Wigornaceastre*," hoc decretum definiendo confirmavi, ut terram illam *Hereforda*, cujus quantitas est ii. cassatorum, dabo *Eanswithe* possidendam, quamdiu ipsa vivat, si illam post me superstitem in seculo derelinquo, ea conditione, ut ipsa sit semper subdita *Wigornensi* ecclesiæ, et ipsius familie, hoc modo, ut semper illius ecclesiæ indumentum innovet et mundet, et augeat, et postquam ipsa viam patrum incedat, terra supradicta ad *Wigornensem* ecclesiam absque omni contradictione conscripta est. (Hem. p. 330.)

¹⁶ Hist. Rams. p. 420.

¹⁷ *Here-geat* apparatus bellicus. (Lye.) Under the name of *Herwede*, *Heergevette*, *Herwad*, *Hergewæde*, and *Hergerette*, these gifts or payments were equally known to the German law. The distinction of the modern law, according to which the Heriot is due from the executors of the deceased, whilst the Relief is paid by the heir, was not known in these early times, and the distinction was equally unknown in ancient Germany. *Hergette* etiam est præstitio heredum, qui ut successionem hæreditariam in feudo relevent, vel equum defuncti vassalli, vel alias res, vel pecuniæ summam, offerre tenentur Domino. (Halthetaus, p. 884.)

extent of these payments, which, in the laws of William, are termed Reliefs¹⁸, appear distinctly from the general declaratory Statute of the Dane. Eight horses,—four saddled and four unsaddled,—four helmets, four coats of mail, eight spears, eight shields, four swords, and two hundred mancusas of gold, were to be tendered by the heirs of the “Earl.” From the heirs of the King’s Thane (the Baron of the Norman text), four horses,—two saddled and two unsaddled,—two swords, four spears, four shields, a helmet, a coat of mail, and fifty mancusas of gold.

The reliefs due from the inferior Thaness (the *Vavassurs* of William’s laws) differed in the three great divisions of the empire. In East Anglia and Mercia each paid two pounds. In Wessex no money is mentioned as due from the Thane, but his horse, his harness, his weapons, or his “halsfang,” his collar of estate or “torques,” became the property of the King. In “Dane law” the rate was more burdensome. The Heriot of the Thane or Baron who had “socne,” or jurisdiction, was four pounds. But if he had made any further declaration or bequest, probably, if he had made his *cwythe* concerning any Folkland which he wished to convert into Bocland, then two horses,—one saddled and one unsaddled,—one sword, two spears, two shields, and fifty mancusas of gold, and who had less, and was less able to pay, was to render two pounds.

From the *Lagemen*, or territorial magistrates of Cambridge, as large a relief was exacted as from the Thane, together with a palfrey, and the arms of one knight or soldier¹⁹. A proof is hereby given of the rank which these magistrates possessed, and we also obtain a kind of certificate of the extent of land which they held. With respect to these functionaries, it is noticed, that in Stamford, though they had “sake and soke” over their

¹⁸ p. xcv. Canute, II. 69.

¹⁹ Gretebrigscire, p. 189.

men, yet the Heriot did not belong to them, but either to the Earl or the King²⁰. If a Burgess of Hereford served the King on horseback, as a knight, his horse and his arms were delivered upon his death as a relief to the King. If he had no horse, then ten shillings were paid, otherwise the King became entitled to the burgage land²¹. The Burgess of Shrewsbury paid a relief of ten shillings²². The like was due in Chester, when the Burgess took up his land, or the land of his kinsman²³. This sum, therefore, seems to have been the ordinary amount or average of the relief paid by this class of tenantry, and when no relief is due, the fact is expressly stated in the record²⁴.

Lastly, the Villain was to render his relief or heriot; and the best beast which he possessed,—horse, ox, or cow,—was to be presented to his lord²⁵, being, as is familiarly known, the Heriot generally due from the Copyholder of the present day.

Local customs as to
Heriots.

The general outline of the system was varied by local customs, some of which are noticed in Domesday. The representative of the Berkshire Thane was bound to present the hawks and hounds of the deceased to the King²⁶. In Nottinghamshire, if a Thane held above eight manors, the sum of eight pounds was paid to the King in lieu of any relief. If he held under that number, three marks of silver were paid to the "Vicecomes"²⁷. The same custom prevailed in Yorkshire²⁸, so that in a con-

²⁰ Lincolnshire, p. 336 (b).

²¹ Herefordshire, p. 179.

²² Sciropshire, p. 252.

²³ Cestrescire, p. 262 (b).

²⁴ Euruicscire, p. 298 (b).

²⁵ Laws of the Conqueror, p. xcvi.

²⁶ *Tainus vel miles Regis dominicus, moriens, pro relevamento, dimittebat Regi omnia arma sua, et equum unum cum sella, et alia sine sella; quod si essent ei canes vel accipitres, præsentabantur Regi, ut si vellet acciperet.* (Berocheshire, p. 56, b.)

²⁷ *Tainus habens plusquam sex maneria, non dat terræ relevationem nisi Regi tantum octo libras, si habet sex tantum vel minus, vicecomiti dat relevationem tres marcas argenti, ubicunque maneat, in burgo vel extra.* (Snotinghamshire, p. 280, b.)

²⁸ *Relevationem terrarum dant solummodo Regi illi Taini, qui plusquam sex maneria habuerint; relevatio est octo lib. Si vero sex tantum maneria vel minus habuerint, vicecomiti pro relevatione dant tres marcas argenti.* (Euruicscire, p. 298, b.)

siderable portion of the *Danelagh*, the general rate was increased by the usages of the country. And the Freeman holding of the great Lordship of Derby paid forty shillings, if he wished to have his father's lands²⁹.

In Kent, the King had relief from all the "Allodarii," excepting certain persons, upon whose death the relief belonged to those who had the "sac and soke" of their lands³⁰.

The foregoing instances are sufficient to show that the relief was an incident of tenure in the strictest sense of the word. It fell to the lord in respect of the land, and was paid by the heir in respect of the land. Generally, it was due to the lord who possessed the soke, or jurisdiction; whatever had been its origin, it had ceased to be an arbitrary fine; and, from the general wording of the law, we may infer, that no land held by any vassal, as of a superior, was free from the burden thus imposed.

Whatever services the lord rendered to the sovereign, he, in his turn, could exact from his vassals. He could demand their aid towards the Fyrd, their contribution towards the payment of taxes, and, if they transgressed against the law, or were banished from the country, the land reverted to the superior³¹.

The Lord entitled to claim the services of his Vassals.

Escheat.

Lands liable to service could only be held by performance of such service; and suit of court was one of the tokens of

Suit of Court.

²⁹ Si quis terram patris sui mortui habere volebat, quadraginta sol. relevabat; qui nolebat, et terram et omnem pecuniam patris mortui Rex habebat. (Inter Ripam et Merseiam, p. 269, b.)

³⁰ Et quando moritur *Alodiarius*, Rex inde habet relevationem terræ, excepta terra Sanctæ Trinitatis, et S. Augustini, et S. Martini, et exceptis his, *Godric de Burnes*, et *Godric Carlessone*, et *Arnold Cilt*, et *Isba Biga*, et *Siret de Cilleham*, et *Turgis*, et *Norman*, et *Azor*. Super istos habet Rex forisfacturam de capitibus eorum tantummodo: et de terris eorum habet relevamen, qui habent suam sacram et socam, et de his terris, scilicet *Goslaches* et *Bocheland*, et alium *Bocheland*, et tertium *Bocheland*, et *Herste*, i. jugum de Ora, et i. jugum de Herte. (Chent, I.)

³¹ Hem. pp. 76, 77.

Wardship and Marriage.

subjection³². If a tenant died, leaving a daughter, the lord could give her in marriage to a knight, in order that the service might be duly performed³³; and it should seem that a widow,

³² Four hydes of land in Benningworth, and fifteen hydes in Hantona, in the hundred of Oswald's law, were claimed by the Abbot of Evesham. The abbot appears to have denied the services. The first was heard by the king's justices appointed by his writ or patent, and terminated by the submission. *Hæc est commemoratio placiti, quod fuit inter W. Episcopum et Walterum Abbatem de Evesham, hoc est, quod ipse episcopus reclamabat super ipsum abbatem, sacam et socam, et sepulturam, et ciricsceat, et requisitiones, et omnes consuetudines faciendas ecclesiæ Wigornensi in hundredo de Oswaldeslawe, et geldam regis et servitium et expeditiones in terra et in mari de xv. hidis de Hantona et de iii^{or} hidis de Benningewrde, quas debebat Abbas tenere de Episcopo: sicut alii feudati ecclesiæ, ad omne debitum servitium Regis et Episcopi, libere tenent. De hac re fuit magna contentio inter Episcopum et Abbatem, qui Abbas diu resistens injuste hoc defendebat. Ad ultimum tamen hæc causa ventilata et discussa fuit per justitiam, et breve, et preceptum Regis Willielmi senioris, quod misit de Normannia, in presentia Gosfredi Constantiensis Episcopi, cui Rex mandaverat, ut interesset predicto placito, et faceret discernere veritatem inter Episcopum et Abbatem, et fieri plenam rectitudinem. Ventum est in causam. Conventus magnus factus est in Wirecestra vicinorum Comitatum et Baronum ante Gosfridum Episcopum. Discussa est res, facta est supradicta reclamatio W. Episcopi super Abbatem. Abbas hanc defendit: Episcopus legitimos testes inde reclamavit, qui tempore regis Edwardi hæc viderant, et predicta servitia ad opus Episcopi susceperant. Tandem, ex præcepto justitiæ regis et decreto baronum, itum est ad iudicium.—The abbot withdrew his suit, the shire attested the agreement between the parties, and a writ of execution was issued in favour of the abbot upon the concord. (Hem. pp. 80, 81.)*

Offa, grants Cropthorne to the Bishop of Worcester,—eo tenore ut quisquis habuerit aliquem ex ipsis viculis, venerabili Episcopo Tillhere, omnibusque suis successoribus servitium faciat, in vectigalibus, et expeditionibus omnibusque aliis subjectionibus, qualescumque Episcopus ipse suique successores, mihi meisque successoribus persolvere debuerint. Si vero aliquis ex ipsis hominibus deliquerit, vel de patria in exilium missus fuerit, vel alio aliquo modo de honore pulsus fuerit, terra ipsa, sine omni refragatione, antiquæ ecclesiæ in Wigrecestre restituatur. (Hem. p. 96.)

But at the same time the lord might discharge his right of escheat. Oswald *gebooks* two mansus at Clifford, to his Thane or "Minister," Wihthelm, for his own life, and the lives of two heirs, but with a proviso, that let him do whatever he may do, the land is not to be forfeited to the Church. (Hem. p. 201.)

³³ Hanc terram tenuit Sirof de Episcopo, tempore Regis Edwardi, quo mortuo, dedit Episcopus filiam ejus cum hac terra, cuidam suo militi, qui et matrem pasceret, et Episcopo inde serviret. (Wirecestrescire, p. 173.)

holding the lands of her husband in dowry, could not marry again without the consent of the King³⁴. The law of Canute professes to secure to her the right of making her choice; nor was the marriage of Wife or Maiden to be sold. But the suitor, though he was prohibited from bargaining with the lord, might show his gratitude for the assistance which he had received in wooing³⁵. He might give a present to the party by whose influence he obtained the Lady's hand; and as she could not accept him whom she liked best, without the King's assent, the freedom of choice enjoyed under King Canute's *congé d'élire*, may have differed little in practice, from a recognized power over the disposal of her person and property.

There are some passages which seem to show that *Bocland* placed the owner in immediate subjection to the Crown. The King was to have the *Wites* of all who held Bocland³⁶, and if the owner committed any crime punishable by outlawry, his Bocland was forfeited to the King, whoever might be his Lord³⁷; that is to say, that the prerogative of the Crown compelled the rights of the other Lords to give way. In subsequent times the same species of prerogative may be observed. If the tenant held land of the Crown, and of a mesne lord, the latter lost the wardship of the heir.

Wites or fines incurred by the holders of Bocland, to belong exclusively to the King.

³⁴ Hanc villam, antequam *Daci* regnum *Angliæ* invasissent, quidam *Anglus* hæreditaria sorte possidebat. Cui cum natura liberos invidisset, sine hærede mortis legem subiens, conjugii suæ superstiti eam reliquit dotis nomine possidendam. *Cnutonis* ergo Regis tempore, quidam *Dacus* cum memorata muliere ex permissione Regis, connubium trahens, prædictæ villæ dominium, jure conjugis, est adeptus. (Hist. Rams. p. 441.)

³⁵ And let no man compel either wife or maiden to [marry him] whom she herself shall dislike, nor let her be sold for money, excepting as to what he may give of his own free will. (Canute, II. 72.)

³⁶ Ethelred, 2.

³⁷ Canute, 12.

THE "FYRD,"—"EXPEDITION,"—or GENERAL ARRAY.

The "Fyrd" or "Expedition," the "Herrbann" of the Franks.

Summoned by the king.

HOWEVER different the duties imposed upon the various classes may have been, the "Fyrd," the "Expedition," or "Herrbann," evidently embraced all the force of the country¹. The levy was summoned by the King, and the necessary defence of the realm or empire involved every case in which military service could be required². The Host or *Here* was assembled by royal *Bann* or edict³, and the "Scyp-fyrd," or naval expedition, was called out in the same manner as the land force.

From the earliest period to which our documents can reach, we find the Fyrd appearing as a general armament of the people, comprehending every rank, though under different obligations and penalties. If the *Sithcund* man, being a landholder, remained at home, he forfeited all his land, and paid a fine of

¹ In the Latin chronicles and charters, both of the Anglo-Saxons and of France and Germany, *Expedition* is the term most usually employed, but *Herebannum* in the capitularies. *Fyrd* (A.-S.), from *Faren*, to issue, or go forth, requires no comment. The Anglo-Saxons had the phrase of "bannan ut hepe," (Saxon Chron. p. 230), and probably the term *Herebann* was also in use amongst them, though we cannot quote any document in which it appears.

² See the grants to the clergy, *passim*. In Æthelbald's general charters (Concilia, I. 101), it is declared that they were to be freed from all taxes and burdens,—*omnibus operibus absolvantur nisi sola quæ communiter fruenda sint, omnique populo edicto Regis facienda jubentur, id est, in structionibus pontium, vel necessariis defensionibus arcium contra hostes.*

³ These assemblages are sometimes expressly stated to have been made by the assent of the Witenagemot.

999 The King counselled with all his *Witan*, to proceed against the enemy with "scip-fyrd" and with "land-fyrd."

1010 And all the *Witan* were summoned to the King, that counsel should be taken how this land should be defended. But whatever was counselled, it did not stand further than a mouth. And there was not a head man who would assemble or gather any *Fyrd*, but every one fled, as he best might, and furthermore no Shire would assist or stand by the other.

one hundred and twenty shillings. If he did not possess any land, sixty shillings was his fine; whilst thirty shillings was the *Fyrdwite*⁴ of the Churl⁵; and, to the last, it continued as a levy of all the population of the country⁶.

Attendance was strictly enforced; whoever departed from the King's Host forfeited all his property. This we ascertain from a declaratory law enacted in the time of Ethelred⁷. In Canute's statute there is another law to the same effect;—if a man fleeth from his *Hlaford*, or from his *Gerefa*, whether it be from “*scip-fyrd*” or “*land-fyrd*,” let him lose all that he hath, and

Penalties imposed upon defaulters.

⁴ The *wite* or penalty, for neglecting the *Fyrd*.

⁵ More literally, if he remain [sitting] at home. Gif se sithcundman landagende, fyrde forsitte, gesylle hund twelftig scill, and tholige his landes, unlandagende syxtig scill. Ceorlisc, thrittig scill to fyrdwite. (Ina, § 51.)

⁶ That het se cyng abannan ut, ealne theodscipe. (Sax. Chron. A.D. 1009.)

⁷ Namely, the very curious decree of the Council of Enham

Quodam tempore contigit, ut Regis *Aethelredi* edicto concrepante, Archipræsulumque *Aelfeahi* et *Wulfstani* hortatu instigante, universi *Anglorum* optimates die sancto Pentecostes ad locum, ab indigenis *Eanham* nominatum, acciti sint convenire. Collecto itaque ibidem Christicolarum coetu venerabilum quamplurimorum, de Catholicæ cultu religionis recuperando, deque etiam rei statu publicæ reparando vel consulendo, plura et non pauca, ut pote divinitus inspirati, ratiocinando sermocinabantur. Denique in eorundem synodalis exordio sermocinationis episcopi semetipsos primitus fidei speique et charitatis, quatuorque principalium virtutum, prudentiæ videlicet et justiciæ, fortitudinis quoque et temperantiæ decore adornari mutuis colloquiorum instructionibus salubrium, invicem cohortabantur; statueruntque pro invicem cotidianam interventionem; atque pactum pacis et concordiae fideliter firmiterque inter se confirmabant

Arcium muri, urbes, oppida, castella, civitates, pontes reparentur, restaurentur, renoveantur, vallis et fossis muniantur et circumvallentur.

Naves per singulos annos ob patriæ defensionem et munitionem præparentur, postque sacrosanctum Pascha cum cunctis utensilibus competentibus simul congregentur. Qua igitur etiam poena digni sunt, qui navium detrimentum in aliquibus perficiunt, notum cunctis esse cupimus. Quicumque aliquam ex navibus per quampiam inertiam vel per incuriam, vel negligentiam corruerit, et tamen recuperabilis sit; is navis corruptelam vel fracturam ejusdem persolidam, prius recuperet, regique deinde ea, quæ pro ejusdem munitionis fractura sibimet pertinent, rite persolvat.

Si autem de expeditione, id est de procinctu, cui ipse Rex intererit, sine licentia quisquam discesserit, rerum facultatumque discrimen cunctarum incurrat. (Concilia, I. pp. 292, 294.)

his life to boot ; and let the Lord seize his property, and all the land which he granted to him ; and if he have Bocland, let it escheat into the King's hand. And the man who falls before his Lord in the Expedition, either within the realm or without the realm, let the heriot be forgiven to him, and let the heirs enter into possession of the land and property, and divide the same according to law⁸.—

Local customs altering
the general law of mili-
tary service.

Many local customs were grounded upon the general law. In Worcestershire, a freeman having "sak and soc" was liable to forfeit all his land in case of default. But if he was the Vassal of a Lord, he could redeem his neglect by paying forty shillings to the substitute whom the lord had provided ; if no substitute was found, then the lord paid forty shillings to the king, and the vassal, in his turn, paid forty shillings to the lord⁹.

In Kent, a manor or township is stated as owing one "Miles" to the Archbishop, the lord thereof. From the special notice, we must conclude, that this was either more or less than the usual rate of service required by the general custom of the shire¹⁰.

⁸ Canute, II. 75, p. 176. I add the very ancient Latin text from Rosenvinge's excellent edition, p. 98,—

Si quis, timore perterritus, a domino suo aut a sociis suis, fugerit de bello, sive in terra sive in mari, careat omnium bonorum suorum cum vita, et dominus suus accipiat omnia, quæ illius sunt, et terram si quam ei antea dedisset ; si autem haberet allodium sit Regis.

Si quis vero ceciderit ante dominum suum in bello, sive in patria sive extra patriam, relevatio domini sui, scilicet *heregeat*, perdonetur uxori ejus, vel hæredibus ; hæredes autem habeant omnia ejus cum terris, et juste dividant.

⁹ Quando Rex in hostem pergit : si quis *edictu ejus* vocatus remanserit, si ita liber homo est ut habeat socam suam et sacram et cum terra sua possit ire quo voluerit ; de omni terra sua, est in misericordia Regis. Cujuscunque vero alterius Domini liber homo, si de hoste remanserit, et Dominus ejus pro eo alium hominem duxerit, xl. sol. Domino suo, qui vocatus fuit emendabit. Quod si ex toto nullus pro eo abierit ; ipse quidem Domino suo xl. sol. dabit. Dominus autem ejus, totidem sol. Regi emendabit. (Worcestershire, p. 172.)

¹⁰ Reddit viginti tres libras et unum militem in servitio Archiepiscopi.

(Chent, p. 3.)

When the general array was proclaimed, there was, in some shires, a general assessment of the whole territory, grounded upon the estimated admeasurement of the land. From every five hydes, one soldier was furnished, and the other hydes contributed to his stipend, each paid four shillings for the two months during which his service was to endure. This money was impounded; it was not paid as a tax to the king, but kept back, in order to satisfy the military¹¹. In some boroughs, as in Colchester¹², every house contributed to the maintenance of the "soldiers," so called by the compilers of Domesday, but who appear to have been only the ordinary Fyrd, or militia of the shire. All Exeter contributed only as five hydes of land¹³. In Warwick ten burgesses served for all the rest; a defaulter paid the heavy fine of one hundred shillings; the same city also furnished four *Bat-suens*¹⁴, or *Boatswains*, for the naval expedition: but four pounds might be paid as a commutation for the mariners¹⁵.

The men of Wallingford, when they performed service, followed either on horseback or by water, but within a certain boundary, beyond which, they were not required to pass¹⁶. From Leicester, twelve burgesses were obliged to accompany the king in the land army; if the expedition was by sea, then four performed the service. Dover contributed only to the scyp-fyrd, twenty vessels, each containing twenty-one men, for the space of fifteen days¹⁷.

¹¹ Si Rex mittebat alicubi exercitum; de v hidis tantum unus miles ibat, et ad ejus victum vel stipendium de unaquaque hida dabantur ei iv. sol. ad ii. menses.

Hos vero denarios Regi non mittebant, sed militibus dabantur. Si quis in expeditionem summonitus non ibat, totam terram suam erga Regem forisfaciebat. Quod si quis remanendi habens, alium pro se mittere promitteret, et tamen qui mittendus erat remaneret; pro l. sol. quietus erat Dominus ejus. (Berrochescire, p. 56.)

¹² Essexia, II. 211.

¹³ Devenescire, p. 100.

¹⁴ The *Swain* or *Youngman* of the boat, i. e. the strongest or most robust of the crew, and therefore the Head-man.

¹⁵ Warewicscire, p. 238.

¹⁶ Berrochescire, p. 56.

¹⁷ Chent, I.

The Fyrd might be raised either by the Earl¹⁸ or by the "Vicecomes." Possibly their summons was considered as equivalent to the summons of the King¹⁹. The troops of each Shire were marshalled together²⁰; and we cannot doubt but those of each Burgh and Hundred were assembled around their own standard²¹.

(See p. 176.) The Bishop of Worcester had a leader who headed his contingent both by sea and land; but it may be ascertained, that many of the prelates led on their troops, as boldly as any lay lord²².

Detachments of certain districts, entitled to particular stations in the Fyrd.

Many of the battalions were entitled to claim particular posts in the army. The men of Archenfield had their station of honour amidst the Fyrd of the shire of Hereford. They

¹⁸ Of the fact there are many examples in the chronicles; for instance, the transactions of the years 1010, 1051.

Hereford, p. 179.

Si vicecomes evocat eos ad siremot, meliores ex eis, sex aut septem vadunt cum eo. Qui vocatus non vadit, dat duos solidos, aut unum bovem Regi, et qui de hundred remanet tantundem persolvit.

Similiter emendat qui jussus a vicecomite secum ire in *Walis* non pergit. Nam si vicecomes non vadit, nemo eorum ibit; cum exercitus in hostem pergit, ipsi per consuetudinem faciunt *Avantwarde* et in reversione *Redrewarde*.

Hæ consuetudines erant *Walensium* T. R. E. in *Arcenefelde*.

¹⁹ Sciropscire, p. 252.

²⁰ This year came the aforesaid army, after Easter, into East Anglia, and went up at Ipswich, where they heard say that Ulfcytel was with his *fyrde*. The Angles soon took flight, but *Grantebricgscyre* stood firmly against them. (Sax. Chr. A.D. 1010.)

²¹ The Burgesses who held the lands of the Canons of York were mustered under the banner of St. Peter.

Quando Rex congregabat exercitum, unus homo tantum præparabant de totâ terrâ canonicorum, cum vexillo Sancti Petri, qui si Burgenses in exercitu irent, Dux et significer eos præcederet, sine Burgensibus vero nec ipse iret. (Carta Hen. I. de lib. Eccl. Ebor. Mon. VI. p. 1180.)

Oxon. *Willielmus* filius *Roberti* de *Nether-orton*, tenet unam virgatam terræ in *Nether-orton* per serjanciam deferrendi penecellum coram hundredo, per quadraginta dies, ad custum suum proprium. (Rot. Itin. 25 Hen. III. m. 4.)

²² *Edricus* qui fuit, tempore Regis *Edwardi*, *Stermannus* navis episcopi et ductor exercitus ejusdem episcopi ad servitium Regis. (Hem. p. 81.) Edric served both by sea and by land.

formed the vanguard when the "Vicecomes" advanced against the enemy, and the rearguard when the troops returned from the foray. Kent possessed the same position in the army of Wessex; and the "Burwara," or Burgesses of London, were entitled to form the body-guard of the King²³, and to protect the standard which he unfurled. Some of the customs seem to indicate a particular summons to individuals as well as a general summons to the shire. This important point, however, cannot be clearly ascertained.

The ship-service was rendered general by Ethelred; and pursuant to the same enactment, the Shires were assessed to furnish a hauberk and a helm for every eight or nine hydes. The latter law rather implies, that a horseman, thus equipped and arrayed, should be sent to the Fyrd at the expense of the owner or owners of the definite quota of land²⁴. This law may be compared with the Carlovingian regulations, by which the lieges provided arms and armour to the extent of their property²⁵.

Ethelred's law concerning military and naval service.

The general array of the King's Host continued to be called by its old Saxon name of *Fyrd* as late as the reign of Henry I.,

²³ We collect these particulars from Wace (1957—1966).

Kar ço dient ke cil de Kent.

Deivent férir primierement ;

U ke li Reis auge en estor

Li premier colp deit estre lor.

Cil de Lundres, par dreite fei,

Deivent garder li cors li Rei

Tut entur li deivent ester,

E l'estandart, deivent garder ;—

²⁴ 1008 *Rex Anglorum Ethelredus* de trecentis et decem cassatis unam trierem, de *novem* vero, loricam et cassidam fieri: et per totam *Angliam* naves intente præcepit fabricari. (Flor. Wigorn.)—of *prym* hund hidum and of *tynum* hydum æne *scægþ* and of *eahta* hidum, helm and *byrnan*. The Latin and Saxon chronicles differ, and the latter is obscure. I expect that the labours of Mr. Price and Mr. Petrie will remove this and many similar difficulties.

²⁵ *Omnis homo de duodecim mansis bruniam habeat. Qui vero bruniam habens, in exercitu non tulerit, omne beneficium cum brunia perdat. Capitulare, ann. 805, § 8.*

and we hence collect that, in popular estimation at least, there had not been any material change²⁶.

Watch and ward, how performed by the landholders. Land specially granted for the performance of such service.

Closely connected with the military service was the duty of Watch and Ward, which afterwards became the peculiar province of the Conservators of the Peace. *Stretwarde* was performed by four men from every hyde²⁷ in the Hundred; but, like all other duties, it was often limited and defined by local customs. From the lands of the principal Kentish Thanes, the King was entitled to six days ward, either at Canterbury or Sandwich. The King was to provide them with meat and drink, and if he did not, they were discharged without fine²⁸. Such a service was a general obligation, but lands might be granted upon the tenure of performing this important duty²⁹.

²⁶ The register of Shaftesbury monastery (Bib. Harl. No. 61), amongst many other very curious documents, contains an enumeration of the Knights' fees belonging to the House, in the vernacular English of the period to which I allude, and which is thus rubricated by the scribe,—*Thes beth thære Knyghtene Londes, thil syllen into voerde-vare, myd the Kyng, myd hyre hors, and myd hyre ygare for thare Chyrche of Sheftesbury*. Then follows the particularization, of which the first entry may be taken as a specimen,—*That ærest lond hatteth, Chiklad, and ys on yhol Knyghtes-meteholm*. This *terrier* is not a legal document drawn up by a clerk of the Exchequer, in the language and phraseology of the King's Court, but the statement of a monk, who writes the feodary in his own mother tongue.

²⁷ Or perhaps one man from every ten hydes, for the texts differ. p. xcvi.

²⁸ Chent, p. l. De terris supra nominatis, *Alnoldi Cild* et similium ejus; habet Rex custodiam, sex diebus apud *Cantuariam* vel apud *Sanuic* et ibi habent de rege cibum et potum. Si non habuerint, sine forisfactura recedunt. Si fuerint præmoniti ut convenient ad sciram, ibunt usque ad *Pinnedennam*, non longius. Et si non venerint, de hac forisfactura et de aliis omnibus Rex c. solidos habebit, excepta *Gribrige* quæ viii. lib. emendatur.

²⁹ Iste quoque Abbas, dictus *Leofstanus*, cognomento *Plumstan*, cum esset homo pius ac simplex, et omnibus compatiens periclitantibus, ut viatoribus et institoribus, necnon et peregrinis, beati *Albani* ecclesiam pro expiatione peccatorum suorum et corporum prosperitate, adeuntibus, vias prepararet tutiores: opaca nemora quæ a limbo *Ciltriæ* usque *Londoniam* fere, a parte septentrionali ubi præcipuè strata Regia quæ *Watlingestrata* dicitur, fecit resecari, salebras explanari, pontes fabricari et abrupta viarum in planitiem redigi tutiorem. Abundabant enim eo tempore per totam *Ciltriam* nemora spatiosa, densa et copiosa, in quibus habitabant diversæ bestiæ, lupi, apri, tauri sylvestres et cervi abundanter: necnon et qui plus nocue-

The Bridge and Causeway service, as well as the "Burgh-bote," were general obligations like the Fyrd, but their nature often subjected particular lands to the charge. Certain lands were specially liable to the repairs of Rochester bridge, each tenure having its own pier³⁰. For the repairs of the bridge and walls of Chester, one man was bound to come from every hyde in the shire, at the bidding of the Præpositus³¹.

runt, prædones, latrones, vispillones, exules et fugitivi. Unde Abbas *Leofstanus* (non ad damnum, sed ad commodum hujus ecclesiæ) concessit cuidam militi strenuissimo, *Thurnotho* nomine, et duobus suis commilitonibus *Waldef* et *Thurman*, manerium de *Flamsteede*, pro quo dedit eidem Abbati *Leofstano*, dictus Miles *Thurnothus* quinque uncias auri, et unum palefridum pulcherrimum, et unam leoparariam desiderabilem. Quod tamen factum est talis conditionis tenore, ut dictus Miles *Thurnothus* cum suis commilitonibus prænominatis, et eorum sequela, partes illas occidentales quæ maxime latronibus abundabant, tam a bestiis nocivis quam prædonibus tuerentur et potenter custodirent, et pro damnis si per desidiam eorum evenirent, competenter responderent. Et si communis guerra oriretur in regno, omnem diligentiam et totum posse fideliter adhiberent, ad ecclesiæ Sancti Albani tuitionem. Quod et ipse *T.* et ejus socii, eis fideliter adimpleverunt et eorum similiter hæredes, usque ad tempora Regis *Willielmi*, qui *Angliam* sibi conquisivit. Tunc enim ablatum est ab eis dictum manerium, quia pati jugum *Normannorum* dedignabantur. Et nemora adeuntes, indomabiles facti, et *Normannis* qui in suas terras se ingesserunt, insidias præparantes et domus eorum combusserunt et multos de illis peremerunt. Sed prosperante Rege memorato, omnes vel ad pacem, qualem qualem redierunt, vel capti (sicut sequens narratio declarabit) perierunt. Veruntamen quidam nobilis, *Rogerus de Thoni* nomine, cui successit in sortem distributionis illud manerium, noluit jus Sancti *Albani* auferre et servitium prædictum stenuè adimplevit. (M. Paris, Vita Abbatum S. Albani, pp. 45, 46.)

³⁰ Lambard's Kent, p. 385.

³¹ Cestrescire, p. 262 (b).

THANES and THANAGE—HUSCARLS.

Thanes, originally the
"Ministri" or Servants
of the Anglo-Saxon so-
vereigns.

THERE is a great deal of obscurity with respect to the station and rank of the Anglo-Saxon *Thane*. As far, however, as the word itself is concerned, we can have no doubt of its primitive signification, nor of its ultimate application. A *Thegn* or *Then*¹ was originally a "*Minister*" or *Servant*, and thus the dignity, or rather the office, is denominated in the Anglo-Saxon charters: but it gradually became restricted to landholders: and at the time of the Conquest, and until the Anglo-Saxon written language passed entirely into colloquial English, the word was generally considered by historians as equivalent to the term "*Baro*²," and employed as designating the individuals in that class of society.

The German antiquaries trace the "*Ministeriales*," or "*Dienstleute*³," to the remotest age, and consider them as the followers of the Chieftains. The King's Thane was, in his origin, no better than any other Thane, but he would rise with his master, and the title would gain in estimation and dignity

¹ From *Thegnian*—*Thenian* (A. S.), *Dienen* (Germ.)

² Thus it is stated in the Saxon Chronicle—Thrice did he [William the Conqueror] bear his Cynehelm or crown in each year, as often as he was in England. At Easter he bare it at Winchester,—at Pentecost, Westminster,—at "Midwinter," Gloucester. And there were with him all the powerful men [*ealle tha ricemen*] of all England,—Archbishops and Bishops, Abbots and Earls, Thanes and Knights [*Thegenas and Cnihtas*]. (Saxon Chron. p. 294.) Et tunc aderant ibi Archiepiscopi, Episcopi, Abbates, Consules, et *Barones totius Angliæ*. (Ann. Wav. p. 243.) In Domesday, Archbishops, Bishops, and the greatest Norman Barons, are all called Thanes,—*Hi subscripti Taini de Oxenfordscire habuerunt terram in Wallingford, Lonfranc Archiepiscopus, Remigius Episcopus, Abbas de Sancto Albano, R. Abbas, Comes Hugo, Walterus Giffard, &c.* (Berrochescire, p. 56.) Thus, also, in the account of the proceedings of the Council of Gloucester, 1127 (p. cccxxxiv.), the Thanes of the Saxon Chronicle are the Barons of the Chronicle of Melrose.

³ See Eichhorn, &c.

accordingly. We find the King's Thanes, designated as a distinct and superior class, at an early period of the law; and though the term continued to be applied to persons of a very inferior degree, some so low as perhaps to be *Thegns*, or Serving-men, almost in the literal sense; still, that circumstance would not detract from the dignity of the superior Thanes. Much difficulty, however, is occasioned to us, at this distance of time, by the ambiguities arising from such "homonymes," of which the different significations are perfectly intelligible, whilst they are applied to living institutions. When the word "Minister," slides off our tongue, our hearers can tell at once, whether we allude to the First Lord of the Treasury, or to the Rector of the Parish, but it is not so certain that the application of the word would be always intelligible to a foreigner. Now, *we*, are as foreigners to the Anglo-Saxons, and this circumstance should be borne in mind, if the same word seems to be employed with varying, or even discordant meanings.

In the later period of the Anglo-Saxon Empire the word Thane⁴, which sometimes appears as equivalent to Homo⁴, or Vassal⁴, was extended to all members of the landed population, who not being either Aldermen or Ceorls, had yet a right to assent to the enactment of laws⁵. They constituted a class between the highest nobility and the villainage. To them the King's *writs* were addressed; it was the Thanes who pronounced judgment, and gave testimony in the Shire⁵. It was

Name or title of Thane, extended to all the landed population, not being of the highest or lowest grade, i. e. neither Aldermen nor Churls.

⁴ As in Domesday, Bedfordshire, p. 211, in which "Alwoldus," who held the manors of *Bruneham, Stiventone, Pabenham, &c.* is indifferently styled "Teignus Regis *Edwardi*," and "Homo Regis *Edwardi*."

⁵ This was the case as early as the reign of Athelstane:—see the Kentish Address (p. ccxxii.) Edward the Confessor's Writ of Restitution in favour of the monks of Christ Church, Canterbury, (Mon. I. p. 99.) addressed to Earl Harold, and the Archbishop and "ealle mine Thegenas on Cent," is grounded upon the judgment or doom of the Thanage,—“for tham that ic wille that se dom stande, that mine Thegenas gedemdan.” The question in this case was the validity of a donation.

they who filled the ranks of Harold's army, and whose lands were divided amongst the Norman chivalry⁶. In the Latin charters the word "Miles" is the equivalent of *Thane*, and the epithet of *Fidelis* is usually added thereto.

Knights, or Cnihts,
originally servants, like
the Thanes.

The word *Cniht* not having been Latinised like "*Teinus*," does not appear so prominently in Domesday. It seems, however, to have possessed both the same primitive, and the same secondary meaning. A *Cniht*, a *Knecht* (Germ.⁷), might be a servant of the lowest grade, a mere attendant upon his master. But the *Cniht* who obtains the *Læn* granted by Archbishop Oswald⁸, is evidently a Thane, a military Thane of the first class; and, in the reign of the Confessor, we find that the Knighthood of the Shire was, as nearly as may be, equivalent to the Thanage, or great body of landed proprietors⁹. "Thane" was equally applied to the Danes. The Thanes of the Danish Burghs were the Land-Lords of these towns. But the Danish Thanes also constituted a distinct class, far out of the boun-

Læna or Feuds granted
to Knights. *Cniht* be-
comes a title of honour
like Thane.

The "Thegenas on East Seaxan" are the witnesses of a *Cythe* or bequest (Writ of the Confessor, Mon. I. p. 107). Innumerable examples to the same effect may be given. The general direction, or greeting to the Thanes was continued after the Conquest. One of the latest instances, occurs in a charter of Henry I., issued between 1122 and 1135, in favour of the Archbishop of Canterbury,—H. thurh Godes gevu Anglelandes Cyning, grete ealle mine Bissceopes, and ealle mine Eorles, and ealle mine Sciregerevan, and ealle mine Thegenas, Frencisce and Englisce (Lye, App. No. 6). Canute addresses himself to the *Barons* of Winchester (p. ccxc.)—These are the Thanes of his charters in the Anglo-Saxon language.

⁶ Lib. Abb. Claud. B. VI. p. 120. The passage is very remarkable and instructive.

⁷ In German, *Cnecht*, now signifies a menial servant, but in the earlier period it designated a soldier of high rank, and one bound by oaths of fealty. A very ancient glossary, quoted by Wachter (856), gives the following interpretations,—*Militones—Chenehta. Sacramentis militaribus est implicatus—In Chenehto eide-ward pivangen.*

⁸ p. ccxxii. No. 12.

⁹ Thus in a chirograph of a concord or final agreement entered into, in the shire or county court of Worcester, many of the persons present are named,—“Wulfric æt Cloddesheale, Sæword æt Uptuny, &c. and mænig god *Cniht* to eacan thysan.”—(Hickes's Pref. p. xxi.) Amongst the many curious points to be collected from this document, we may observe the commencement of the practice of giving local surnames.

daries of the Danelagh¹⁰. The "Bonde" and the Thane seem to be considered as the two extremes of the classes of the ordinary landed proprietors. The Bonde paid thirty pence, the lowest fine for the breaking of the Fasts of the Church; the highest, thirty shillings, was paid by the Thane¹¹. I do not know whether we can consider the remarkable instances of fidelity and devotion shown by the Thanes of Cynewulf and of Edwin, as proofs, merely of their deep sense of honour and allegiance. It is most probable that they were bound by some solemn engagement, and that they had received some price for their services: the evidence, showing that military services were purchased by donations of land, made by the State or Sovereign, is of the clearest description¹², and I doubt if any charter or "Landboc" can be found, containing a grant of land to any

(p. ccxxxviii. Note 19, and Bede, II. 9.)

Military services purchased by donations of land.

¹⁰ Thus the grant of a *Læn* made by Bishop Aldred (1049—1058) is attested by "ealle þa þegenas on Wigeraceastrescire, *Denisce* and *Englisce*." (Hickes, Gram. Angl. Sax. p. 142.)

¹¹ Hickes, Diss. Ep. 107.

¹² Thus Bede, in describing the early youth of St. Benedict Biscop (*Historia Abbatum Wircmuthensium*), "Nobili quidem stirpe gentis Anglorum progenitus, sed non minori nobilitate mentis ad promerenda semper Angelorum consortia suspensus. Denique cum esset Minister *Osui* Regis, et possessionem terræ, suo gradui competentem, illo donante perciperet, annos natus circiter viginti et quinque, fastidivit possessionem caducam, ut acquirere posset æternam: despexit militiam cum corruptibili donativo terrestrem, ut vero Regi militaret, regnum in superna civitate mereretur habere perpetuum: reliquit domum, cognatos et patriam, propter Christum et propter Evangelium, ut centuplum acciperet, et vitam æternam possideret."—(p. 293.) Such donations being made by Bertwulf contrary to law, they were resumed by the sentence of the Witenagemot.—"Contigit autem, quod *Berhtwulf* Rex *Merciorum*, †tollerat a nobis, et tradidit terram nostram, †quod recte ac jure sub propria potestate ac libera possessione cum firma donatione, tradita est et concessa et firmata, ad sedem episcopalem, id est, ad *Uueogernensem* ecclesiam, Rex præfatus †suobus propriis hominibus condonavit, sicut se inimici homines docuerunt, hoc est, *Stoltun Wassaburna Cyneburgingetun Tateringetun Codeswelle*. Tunc perrexit ille Episcopus *Heaberht*, cum suis secum senioribus, in Pascha, ad *Tomeworthie* et suas libertates et cartulas ante †nominatorum terrarum secum habentes, et ibi ante Regem ejusque procures fuerunt allecta, et ibi *Merciorum* optimates dejudicaverunt illi, ut male ac injuste dispoliati essent in suo proprio." (Hem. p. 27.)

† Sic.

layman *not* designated as a Thane, "Minister," or Knight: and instances may be found in which such grants are expressly made
(p. ccxix.) as the price of fealty or fidelity.

Thanes, particulars relating to their style and condition.

According to the traditional verses relating to the ranks and orders of society, a Thane who had another Thane beneath him, holding five hydes of land, in respect whereof military service was performed, enjoyed the privilege of appearing by his Vassal when his oath was required¹³. Some other of the particulars concerning Thaneship are to be collected from the very curious rules or regulations of the "Thegnagyld" of Cambridge. The members bound themselves to contribute to the payment of the blood fine, incurred by any member, provided he had not committed the slaughter treacherously or wantonly. Also, to accompany the funeral, when the body of any deceased member was carried to the grave. It was assumed that every Thane had a "Gerefa," a Reeve, his Steward, or man of business, who, in the absence of his Master, received notices for him, consequently there was no Thane who was not a landed man; and it may be remarked, that this privilege, of being represented by the Steward, continued, till a very late period, to be one of the franchises of the baronage. It was an excuse for a Thane when summoned, if he was engaged in the service of his "Hlaford," a term which, in this instance, does not seem to be applied to the King, but to some other Lord or superior¹⁴. It may be observed, however, that a King's Thane, could also be commended to another Lord¹⁵.

¹³ Si autem liberalis homo, id est *thegen*, ita profecisset, ut regi servisset, et vice sua equitaret in missatico Regis; is talis, si haberet alium sub se qui ad expeditionem Regis quinque hidas teneret, et in aula Regis suo Domino servisset, et ter, nuntius Domini sui regem adisset; is inquam talis, dehinc potest pro domino suo præjurare juramentum, quod supra nominavimus *forath*, in diversis rebus, ubicunque opus est. (Textus Roffensis, p. 47.) I have given the old Latin version, which expresses the sense of the original with tolerable accuracy.

¹⁴ Hickes, Diss. Ep., p. 20.

¹⁵ Domesday, Norf., p. 130.

After the Conquest, we find the term "Thane" employed with considerable latitude. Barons were sometimes designated as Thanes. It was also used to denote all the Lieges, perhaps one of the original applications of the term, inasmuch as the Germans trace it in their "*Unter-than*," i. e. subject. It was also sometimes rendered by "*Allodarius*," a term almost foreign to the English law, and which, in this country, never obtained any very precise or technical meaning; though generally employed as the designation of a person holding inheritable land¹⁶. Some Thane-lands or Thanage lands appear at first to have been conventional tenures, in which the Tenant had not a certain estate unless he could bargain with his Lord. The term died away in the South, but in the Northern counties, Thanages continued till the fourteenth century, being then held by pecuniary rents, which could not be altered by the Lord¹⁷. The Thanes of Lancashire, who paid a fine to be quit of talliage, 13 Hen. III.¹⁸, were probably tenants of this description.

The Huscarls were the "King's own," the body-guard of the Danish Sovereigns¹⁹. They were retained after the restoration

Huscarls, the Body guard of the Danish Sovereigns.

¹⁶ In the Saxon charter of Henry I. he grants to the convent of Christ Church, Canterbury, sake and soke, and various other rights of jurisdiction,—"*ofer swa fela pegena swa ic heom to gelæten habbe*." (Lye, App. No. 6.) In another charter, of exactly the same form and tenor, in favour of the monastery of St. Augustine, he conveys the same right to them,—"*super omnes allodarios, quos eis habeo datos*." (Bib. Cott. Julius, D. II. 107.) But this latter charter is merely the confirmation of one, to the same effect, granted by the Confessor.

¹⁷ In the inquisition taken upon the death of *Henricus de Lacy*, A.D. 1311, Thanage tenants are noticed as holding by pecuniary rents. (Whittaker's Whalley, p. 247.)

¹⁸ Maddox, Hist. Exch. I. p. 417.

¹⁹ Vita Sancti Elphegi, p. 145. See also Sax. Chron. p. 207 and p. ccxcii.

They were also called *Hirdmen*. Probably they were the "*Commilitones*," amongst whom Canute divided the English lands. (Hist. Rams. p. 438.) Cum enim, ut dictum est superius, Rex *Cnuto*, genere Dacus, *Anglici* principatus esset monarchiam adeptus, quidam *Angli* nobiles, antecessorum suorum Regum proditores, ex ejus sententia proscripti et exterminati, Dacis commilitonibus Regis adjudicatas, sibi, suæque posteritati vel successioni hæreditates reliquerunt.

of the Anglo-Saxon line, and then they seem to have formed a class of Thanes. The Confessor gives this title to *Thurstan*, who held land of him²⁰, and many others are noticed in Domesday²¹. They had Vassals or “Commendati” under them; and the great Earls had Huscarls, like the King²².

Power of alienation.

In Domesday, whenever the Tenants had the power of alienation, it is usually expressed with care, and when they had not the power, the fact is signified, as will appear from the examples quoted below²³.

²⁰ In a charter by which he confirms the donation of “Chalkhill,” made by Thurstan to the Abbot and Monks of Westminster,—swa Thurstan min *Huskarl* hit furmest of me heold, und into pære halgan stowe geaf. (Hickes, Gram. Anglo Sax., p. 159.) *Grundesburgh*—adhuc in eadem, in dominio, duo liberi homines, *Burricus* et *Ailricus* commendati *Aischilli* Huscarli (Suff. 441). Aschill appears as the King’s Thane in Bedfordshire (p. 213), and this is probably the same individual.

²¹ One of these entries contains some curious details. *Legrum*—istud quoque manerium, tempore Regis *Edwardi*, dedit *Esgarus Haroldo*, et *Haroldus* iterum dedit cuidam sui Huscarlo, nomine *Scalpin*. Et iste *Scalpinus* dedit uxori suæ in dote, videntibus duobus hominibus, scilicet *Rogero Marescalco* et quodam *Anglico*, et hoc testatur Hundredum, quod audierunt recognoscere *Scalpin*. (Essexia, p. 59.)

²² Domesday, I. pp. 164, 140, 213.

²³ Hoc Manerium (*Bissopescope*) tenuit *Edwinus*, homo *Asgari Stalri*, et potuit inde facere quod voluit. Hanc apposuit *Radulfus Taillebose* in *Loitone*, Manerium Regis, per cumentum quod ei dedit, et foris misit de Hundredo ubi se defendebat. T. R. E. E contra sumpsit alias quinque hidas de alio Hundredo, et posuit in *Flictham* Hundredo. (Bedefordscire, p. 209, b.)

Ipsa Episcopus (*Constantiensis*) tenet in *Dena* quatuor hidas et ibi sunt sex sochmanni et sex bordarii et duo servi—valent lx. solidos. Quando rec. similiter. T. R. E. xl. solidos. Hoc manerium tenuerunt sex sochmanni, homines *Borret* fuerunt. De soca Regis tres hidas et dimidium, potuerunt dare et vendere et ad alterum dominum recedere. sine licencia *Borred*, dimidium vero hidæ sine ejus licencia, dare vel vendere non potuerunt. (Bedefordscire, pp. 209, b, 210.)

Hanc terram (*Hergentone*) tenuit *Azelinus* homo Comitum *Tosti*; non potuit dare neque vendere sine licencia illius, qui *Camestone*, Manerium Comitum tenuit. (Bedefordscire, p. 217, b.)

TAXES, DANE-GELT, &c.

THE Peter's Pence were collected or gathered in each Wapentake Taxes, how collected. by two true Thanes and one Mass Priest¹. I suppose that this was the usual mode of collecting the taxes, because nearly the same course was pursued in the reign of Ric. I.; and long afterwards. The Anglo-Saxon precedent was copied in the Anglo-Norman age, and a continued and uninterrupted usage seems to be implied². The Danish Kings employed their Huscarls upon the agreeable service of levying the Dane-gelt (p. ccxcii.), and those functionaries acted with great rigour; but the tax was equally insupportable under Ethelred. Elfrie is compelled to sell his land, to discharge his arrears³. The territorial possessions of the Church and Clergy, and the ornaments of the fabric, shared the same fate⁴.

¹ And we willap, þat man namige, on ælcon wæpengetace, twa triwe pegenas, and ænna massepreost and hi hit gegaderian, and eft agifan. (Laws of the Northumbrian Clergy, p. 101.)

² Thus the carucage levied by Richard I., after being assessed by the Township Jurors, was to be collected by the two Knights in every Hundred. Hæc pecunia recipiebatur per manus duorum legalium militum de quolibet Hundredo. (Hov. p. 443.)

³ Hist. Eliensis, p. 471. Post modicum tempus contigit, quod idem *Aluricus* gravi tributo opprimebatur. Qui cum pecuniam a se exactam non haberet, venit ad *Ædelwoldum* Episcopum, et ad *Brihtnothum* Abbatem, obtulitque eis duas hydas suas de *Dunham* ad commutandum, pro tribus hydis, quas ipsi habebant in *Cypenham*, eo pacto, ut tantum pecuniæ, quantum eis placeret, sibi ob incrementum ab eis daretur. Qui sic fecerunt, videlicet, terras commutaverunt, et ei quatuor libras insuper dederunt: facta est autem inter eos hæc conventio, sive commutatio, ac persoluta est *Alurico* hæc pecunia, juxta *Grantebrucge* in australi parte, coram toto populo illius provinciae. *Aluricus* igitur eandem terram *Brihtnotho* Abbati liberavit in manu, primum coram xxiv. judicibus in prædicto loco, deinde etiam fecit similiter coram testibus legalibus, *Edrico*, et *Alfelmo*, cognomento *Polcan*, et *Leofsio*, *Alfwii* filio, et *Osulfo*, et *Leovingo*, et *Alfnotho*, et *Uvi*, et *Oswio*, et *Grim*, et *Wlnotho*, et *Alurico*, et *Wensio*, et *Leofsio*, et *Alfnotho Godingi* filio.

⁴ Plurimas terrarum possessiones, quæ nunc ab aliis injuste possidentur, et villas quamplures, ad hanc ecclesiam jampridem juste pertinere, tam seniorum et predecessorum nostrorum relatu, quam etiam litterarum et testatorum serie didicimus, quas postea et regalium vectigalium importabilis exactio, et potentissimorum hominum impia direptio inique distraxit, et à monasterii possessione abstraxit. Sicuti factum est temporibus *Adelredi*, Regis *Anglorum*, vastante et depopulante hanc patriam

Canute established the law, that if the Tenant failed to pay the tax within the appointed time, he might be “*sold out*” of his land; and any one paying the arrears became entitled to the property⁵. This regulation continued in force under the Conqueror⁶; but, in subsequent periods, we do not find that the land itself could be seized under such circumstances: so that the Anglo-Norman Exchequer was somewhat less rapacious than the Treasury of the earlier Sovereigns.

pagano Rege *Danorum*, *Swein* nomine, cum maximum et fere importabile tributum tota *Anglia* reddere cogeretur. Ob hujus itaque tam gravis tributi exactionem, omnia fere ornamenta hujus ecclesiæ distracta sunt, tabulæ altaris, argento et auro paratæ, spoliatæ sunt, textus exornati, calices confracti, cruces conflatae, ad ultimum etiam terræ et villulæ pecuniis distractæ sunt. Simili modo etiam actum est regnante *Cnut*, filio suo, et adhuc graviora vectigalia superaddita sunt, temporibus regni filii *Cnut*, cujus nomen erat *Hardecnut*, qui etiam totam istam provinciam, hostili exercitu, ferro et igne depopulavit. (Heming. p. 248.)

The church of Malmesbury was exposed to the same depredations. *Brichtwoldus*, ut ex scriptis *Anglicis* animadvertimus, multa incommoda Cœnobio intulit, terras, vel omnino distrahendo, vel parvo pretio invadendo. Sed enim excusatur, quòd magno illo geldo, qui tunc *Danis* dabatur, oppressus, unicum inveniebat malorum remedium: quod futurorum incautus, non videbat obesse posse in posterum. (Malm. in Vita Aldhelmi, p. 35.)

⁵ Tempore quo *Cnut* Rex *Danorum*, hac patria devicta, vectigal importabile toti *Anglorum* regno imposuerat, ablatae sunt hæ villulæ in *Uwareuicscire* à monasterii possessione, vi et fraude malignorum *Danorum*, quorum potentia, eo tempore, terror erat indigenis hujus patriæ: *Ludingtun*, et *Dræitun*, et iii. hide ad *Lockeslea*, et *Lappawurthin*, et dimidia *Mylecote*. Constituerunt enim, ut siquid vectigalis ad tertiam *constituti diei deesset, quisquis prius pecuniam pro ea solveret, ejus possessioni subjaceret. Hac calliditate inventa, quisquis aliquam terram de monasterio concupierat, pecunia data vicecomiti, vectigale* refugato etiam satis tempestivo, quod male concupierat, pro libitu injuste rapiebat. Sed Deus hanc sui rapinam absque ultione non dimisit. Nam unusquisque eorum, qui huic fraudi operam dederunt, digna ultione percussi, aut luminibus privati, aut paralisi dissoluti, aut in insaniam versi sunt; plurimi etiam semet ipsos interfecerunt. (Heming. p. 277.)

⁶ *Osbernus* piscator, tenet in *Sernebroc* de rege dimidium hidæ. Terra est i. car. et ibi est unum molendinum. xvi. den. pratum, dim. car. Silva x. porc. et unum vivarium pisc. Ibi unus villanus et ii. bordarii, valent xxvi. sol'. Quando recep. x. sol. T. R. E. xl. sol. Hanc terram tenuit *Toui*, Huscarle Regis *Edwardi*, et vendere potuit.

Cum ista terra, reclamant idem *Osbertus* unam virgatam et quartam partem unius virgatæ, quam tenuit antecessor ejus, T. R. E. Sed postquam Rex *Willielmus* in *Angliam* venit, ille gablum de hac terra dare noluit, et *Radulfus Tailgebosc* gablum dedit, et pro forisfacto, ipsam terram sumpsit, et cuidam suo militi tribuit. (Bedeford, p. 216, b.)

* Omissions or corruptions.

THE WITENA-GEMOT.

EVERY Anglo-Saxon charter is a record of the sittings of the great national Council: and the specimens which I have given of these documents will be sufficient to illustrate their general tenor. We find express proof that many such assemblies were summoned by the Sovereign: yet it is possible that they could meet without summons, and by usage. The extracts below, will, in some measure, afford further examples of the composition and proceedings of the Councils: as well of those of a mixed nature, as of those which acted merely as temporal legislatures¹.

(See in particular, pp. ccxxv., ccxxvi.)

¹ The signification of *Wita* may appear to fluctuate between that of *Wise-man* and *Witness*. In point of fact, the Witness is so called, because of his *knowledge* of the facts concerning which he testifies: but it is evident, that it was chiefly in the sense of *superior* that the Anglo-Saxons applied "*Wita*" to the member of the supreme assembly. The meeting was also called the "*Mycel getheah*,"—the great thought.

Anno Dominicæ Incarnationis D CCC XVI., Indictione viiii., hæc synodus congregata fuerat, die vi. cal. Augusti, in loco famoso, qui dicitur *Celichyth*, præsidente vero *Wulfredo* Archiepiscopo, cæterisque assidentibus australibus *Anglorum* Episcopis; id est, *Beormodo*, *Hrouensis* Ecclesiæ, *Aetheuulfo*, *Selesegæ* Episcopo, necnon *Wigtheget*, *Wigberhto*, *Occidentalium Saxonum* Episcopi, *Daenberhto*, *Huicciorum* Episcopo, *Wulfheard* quoque *Herefordensi* Antistite, simul etiam reverendissimis *Merciorum* Episcopis *Hereuino* et *Raethuno*; insuper *Eaduulfo*, *Lindisfarorum* Episcopo, honorabilibusque *Orientalium Anglorum* Episcopis *Sibbano* et *Tidfritho*, seu *Aethelnotho*, *Lundoniæ* civitatis Episcopo. Porro *Coenuulfi*, Regis *Merciorum*, anno xx. qui tunc temporis præsens adfuit, cum suis Principibus, Ducibus et Optimatibus. Tum undique sacri ordinis Præsides cum Abbatibus, Presbyteris, Diaconibus, et Optimatibus, pariter tractantes de necessariis et utilitatibus ecclesiarum.

(Concilia, I. p. 169.)

Anno Dominicæ Incarnationis D CCC XXII., Indictione iii., de diversis *Saxonie* partibus, congregatum est synodale concilium in loco præclaro qui nominatur *Clovesho*; præsidente huic venerabili concilio *Beornulfo*, Rege *Merciorum*, et *Wulfredo* Archiepiscopo, cæterisque Episcopis et Abbatibus, omniumque dignitatum Optimatibus, ecclesiasticarum scilicet et secularium personarum utilitatem, et necessitatem ecclesiarum, monasterialisque vitæ regulam et observantiam, stabilitatem quoque regni pertractantes.

Super hæc omnia quadam vice idem Rex *Coenulfus* cum suis consiliariis veniens

Forty hydes of land required to place a man of noble birth amongst the *Proceres*.

That the qualification of forty Hydes of land was required for the purpose of placing an East Anglian Noble amongst the *Proceres* is distinctly proved. The Books of Ely and of Ramsey are the compilations of very judicious and accurate writers: they are almost wholly founded upon charters. The facts gathered from these documents are interwoven into a narrative, for which the authorities are adduced, and in the whole compass of our history, no better evidence can possibly be found².

ad villam regalem *Lundoniam*, constituit diem, cum magna indignatione, quo idem Archiepiscopus veniret ad eum. Quo cum venisset, præcepit Rex, ut relictis omnibus rebus suis, citissime de *Anglia* decederet; nec aliquam spem haberet redeundi amplius, nec per præceptum domini papæ, nec pro precibus imperatoris, nec alicujus alterius personæ, nisi consentiret voluntati ejus, dimittendo ei villam trecentorum manentium nomine *Leogenesham*, insuper daret sibi, videlicet Regi, centum viginti libras denariorum. (Concilia, I. p. 172.)

There is another record of the same transaction, showing, that the words "consilarii" and "sapientes" were indifferently employed. (Concilia, I. p. 173.)

In one case, we find what may be termed an adjournment,—Then took counsel the King and his Witan that they should again have a Gemot of all the *Witan* at London at *harvest-even-night* (the autumnal equinox), and then the King commanded that the Host should be called out (and het se cyng bannan ut Here), both South of Thames and North. (Saxon Chron. p. 230.)

For an instance of a Gemoot summoned by the King, see Saxon Chron. p. 1010. In the following example the authority by which the assembly is convened, does not appear; it can however hardly be doubted but that it was by the King's command. (Hist. El. p. 469.)

Nam edicitur *generale placitum* apud *Lundoniam*, quo, dum *Duces, Principes, Satrapæ, Rhetores* et *Causidici* ex omni parte confluerant, beatus *Æthelwoldus* præfatum *Leofsium* in jus protraxit, et coram cunctis suam causam et injuriam ac rapinam, quam ipse *Leofsius* intulerat sanctæ ecclesiæ, ex ordine patefecit. Qua re bene et rite ac aperte ab omnibus discussa, omnes, Deo et beato *Ædelwaldo*, per judicium reddiderunt, *Burch*, et *Undelas*, et *Kateringes*. Judicaverunt etiam ut *Leofsius* Episcopo totum damnum suum suppleret, et *mundam* suam redderet; de rapina vero, Regi forisfacturam emendaret dato prætio *genealogiæ* suæ. Post hæc infra octavum diem convenerunt iterum ad *Northamtune*, et congregata ibi tota provincia, sive vicecomitatu, coram cunctis iterum causam supradictam patefecerunt; qua patefacta ac declarata, ut præjudicatum erat apud *Lundoniam*, judicaverunt et isti apud *Northamtune*.

² Habuit enim Abbas Fratrem *Gudmundum* vocabulo, cui filiam præpotentis viri in matrimonium conjungi paraverat. Sed quoniam ille, quadraginta hidarum terræ dominium, minime obtineret, licet nobilis esset, inter proceres tunc numerari non potuit, eum puella repudiavit; unde pudore nimium suffusus, ad Abbatem rediit, con-

It is not indeed stated in express terms, that Gudmund would gain a seat in the Witenagemot, but the *Fief* or *Læn* placed him in a rank which birth alone did not impart. And the title of "Proceres" is so constantly applied, both in charters and histories, to the Peers of the King's supreme Court, that we can scarcely doubt, but that the seat was the privilege, without which his proud Léman, refused to accept him as her wedded Lord.

querens infortunium sibi illatum : et ut ei aliqua ecclesiæ rura, pro fraternitate, committeret, intentius exorat, ne nunc honoris nomine, præsertim optata matrimonii copula frustraretur. Abbas vero nimium carnaliter amans fratrem, absque titulo et scriptionis testimonio, hæc subjuncta maneria illi, sed tantum in *præstito* dimisit, partem viz. de *Merham* cum curia villæ, *Livermere*, *Nachantune*, *Acholt*, *Bedenestede*, *Gerboldesham*, et hoc non manifeste, ne monachis innotesceret; non prævidens aut præcavens, quantum criminis et discriminis sit ad momentum etiam, res sacras et bona, Domino oblata, laicorum manibus exponere, ut perfecta matrimonii celebratione absque controversia recipere deberet. (Hist. El. p. 513.)

If any Freeman broke the fast imposed as a national humiliation during the Danish invasions (sometime in the reign of Ethelred), he was to make amends, or pay a fine, according to the judgment of the Shire Bishop and the Witan of the Shire.—bete that, swa the Scir-Biscop, and ealle *Scir-Witan* rihtlicost deman,—gebete that, swa *Scire-Witan* sylfe geceosan. (Hickes, Diss. Ep., p. 107.)

The Witan of Kent decreed that Eadgiva should give proof by compurgatory oath concerning the payment made by her father for the redemption of his land (Lye, App. 4.) These are the ordinary shire-men, though in this case the shire was an ancient kingdom.

HOMAGE,—ANTRUSTIONS,—NATURE OF BENEFICES, &c.

Antrustionship, equivalent to commendation (see p. cccxciii.)

Writ declaring that the Antrustion has duly performed homage.

THE following writ or Precept preserves the form, by which the *Antrustion* became the Homager of his Sovereign.

“Rectum est, ut qui nobis *fidem* pollicentur inlæsam, nostro tueantur *auxilio*. Et quia *ille* fidelis Deo propitio noster, veniens ibi in palatio nostro una cum arma¹ sua, *in manu* nostra *trustem* et fidelitatem nobis visus est *conjurasse*: propterea per præsens præceptum decernimus ac jubemus, ut deinceps memoratus *ille* in numero *Antrustionum* computetur. Et si quis fortasse eum interficere præsumpserit, noverit se *wirgildo* suo sol. DC. esse culpabilem.” (De Antrustione Regis, Marculfi Form. I. 18.)

By comparing this document with the faithful accounts of Tassilo's submission (III. 2 to 13), and also with the English form of homage (IV. 8, 9), no reasonable doubt can be entertained, but that feudal vassalage resulted from the union of the Teutonic bond with the tenure of beneficiary land.

The Precept, testifying that the Fidelis was to be numbered amongst the Antrustions, contains all the essentials of the relationship: the declaration of aid to be given by the *Senior*, the submission of the *Junior*, and the oath, as well as the ceremony, by which the *Man* testified his obedience and subjection.

The earliest definite example of a grant accompanied by fealty, rests upon the authority of the charter of Charles le Chauve, reciting the donations made by Dagobert to the ancestors of

¹ Some manuscripts read, *cum arimania sua*. The *arimanni* are supposed to have been the followers of the chieftains, but very different opinions prevail respecting their rank (see Savigny and Eichorn). On the whole, the reading which I have adopted from Walther seems preferable.

Eudo, Duke of Aquitaine, and of which the substance is given below. The authenticity of this charter has certainly been impugned, yet I think it has been successfully vindicated by most competent authorities². Whether the language may not have been slightly altered by the scribe, is another question; but it must be considered in connexion with the other fragments of Gascon and Aquitanian history (see p. ccccv.) These are less explicit than the details concerning Tassilo, but they establish the same principle—they exhibit Vassals bound by fealty, obligations often broken, and renewed again by compact—(III. 15 and 16.)

That those who were in the “*King’s trust*” were also designated as the *Fideles* and *Leudes*, is I believe generally admitted³; but the French Lexicographers⁴ have erred in ascribing to the word *trust*, the signification which *trost* or *troost* now bears in

Antrustions, described as *fideles intruste Regis*, the King’s true or trusty men, his *Leudes* or *Lieges*.

By Gaillard and by La Vaissette; the latter in an elaborate Essay, Vol. I., Preuves, p. 688. In his history, he thus narrates the effect of the donation:

C’est alors que nous croions que ce Prince, touché de compassion pour ses deux neveux, Boggis et Bertrand, et sollicité sans doute par Amand Duc des Gascons, aieul de ces deux Princes, leur donna par forme d’*appanage*, et à titre de *duché héréditaire*, le royaume de Toulouse ou la partie de l’Aquitaine qui avoit composé les états du Roi Charibert leur père. Nous avons déjà parlé ailleurs de l’étendue de ce royaume auquel la ville de Toulouse, qui en étoit la capitale, avoit donné son nom. Elle le fut aussi du duché d’Aquitaine possédé par Boggis et Bertrand et par leurs descendants. Dagobert donna en même tems à ces Princes l’avouerie sur tous les monastères de ce duché à condition qu’ils tiendroient l’un et l’autre à foi et hommage de la couronne, et qu’ils paieroient au trésor royal un tribut annuel qu’il leur imposa. Ces deux Princes s’y soumirent, ou plutôt le Duc Amand, leur aieul, à leur nom, dans l’impuissance où ils étoient de faire valoir leur prétensions, et à obtenir des conditions plus favorables. Depuis ce tems-là, Boggis et Bertrand, et les Ducs d’Aquitaine issus de leur branche, demeurèrent sous la dépendance de Dagobert et des Rois de Neustrie ses successeurs. C’est là, le *premier exemple de l’hérédité des fiefs* dans la monarchie Française, ou plutôt d’un appanage donné aux Princes de la maison royale: appanage qui fut possédé héréditairement jusqu’à la fin de la première race, par le fameux Eudes, et par les autres Ducs d’Aquitaine ses successeurs, qui descendoient tous de Charibert Roi de Toulouse et frère de Dagobert. (Hist. de Languedoc Vol. I., p. 338. See also Gibbon, Vol. IX., ch. 49.)

² See Mably and Guizot.

⁴ See Du Cange.

the German and Belgic dialects, i. e. *comfort* or *consolation*. It is plainly used in the sense yet preserved in our common and daily speech, and it is derived more readily from the Anglo-Saxon *Trywsian*, than from *Trouwen* (Germ.), which is also found in the Anglo-Saxon form of *Treowian*.

Vassal—Celtic origin of the term.

As "*Senior*," afterwards *Signore* and *Seigneur*, was employed merely as a designation of rank, so "*Junior*" was also applied, without any relation to age; it only pointed out the situation of the party: the inferior was the younger in relation to his Lord⁵, and although, according to the original application of the word, the *Gwās* (Latinized into *Vassus*⁶), ought to have been a Youth, yet it would speedily be used to designate every Antrustion who appeared as a dependent upon a superior. The employment of this Celtic term, which cannot be fairly deduced to any Teutonic root, assists in corroborating the opinion, that some of the main features of the feudal system, as it existed in Gaul, are to be deduced from the original policy of the Celtic nations before their annexation to the Roman empire.

Homage and fealty,—distinguished from each other according to the more recent law, but not in the earlier periods,—as appears from the precept of Antrustionship.

According to the more recent law of England and France⁷, homage and fealty were accurately distinguished. Homage might be due without the necessity of taking the oath of fealty⁸; and in the Visigothic code, we find a seeming distinction between the oaths of fealty and allegiance⁹. Yet it is most probable that these differences did not exist at an early period. When the *Antrustion* entered into his obligation, homage and fealty were

⁵ Alius vero census ab eis, neque a Comite, neque a junioribus et ministerialibus ejus exigatur. (Præceptum Lud. Pii pro Hispanis, A.D. 815, Baluze, I. 549.) Many other examples may be found. (Du Cange.)

⁶ *Gwās*, a lad or young man, a page, a servant (Owen Pugh). From *Gwāsaeth*, attendance, service, was formed "*Vassaticum*."

⁷ See Littleton, II., 1, and Brussel, pp. 19—28.

⁸ But Bracton seems to consider fealty, as the necessary accompaniment of homage. (See IV. 8.)

⁹ See Allen's Enquiry, § Allegiance (pp. 54 to 92) in which this subject is treated with great clearness and consummate knowledge.

conjoined. The ancient English vassal seems always to have been compelled to take the oath of fealty (No. IV. 8). Nor do I observe any very substantial variation in the several forms of oaths which have been preserved (No. IV. 1 to 9), they are all of equal tenor.

The form of surrendering a benefice appears twice, in the history of Tassilo. In the first instance, it is made by the delivery of the staff: in the second, by *Guerpition*. When this last mentioned ceremony, analogous to the "Skjodning" of the Danes (p. ccxxvii.), was performed, the symbol was cast into the lap of the person to whom the grant or surrender was made. This, in the law Latin of the Franks, was termed "*laisowerpire*"—from *latz* or *loos*, lap, and *wyrpan* or *wyrfan*, to cast.—In the "Præceptum de Leisowerpo" (No. I.) which for the reasons before stated (Chap. XVII.) I consider to be a mere formal conveyance, we have another example of the same ceremony.

Benefices, how surrendered.

The examples (No. II.) in which hereditary benefices are granted expressly in consideration of fidelity or vassalage, may be compared with an Anglo-Saxon land-boc (p. ccxix.—No. IV.) of the same description¹⁰.

Examples of Benefices granted on express consideration of fealty and service.

Upon the question of an hereditary right of possession in territorial dignities, the Capitulary of Kiersi (A.D. 877) has usually been considered as establishing the same.

Question as to the existence of an hereditary right in territorial dignities. Capitulary of Kiersi, 877, considered by some writers as establishing such right.

"Si Comes obierit, cujus filius nobiscum sit, filius noster cum cæteris fidelibus nostris, ordinet de his, qui illi plus familiares et propinquiore fuerint, qui cum ministerialibus ipsius Comitatus et Episcopo, ipsius comitatum prævideant usque dum nobis

¹⁰ The plain import of the following law seems to have been, that the performance of homage must necessarily precede the grant of a benefice. Noverint tamen iidem *Hispani*, sibi licentiam a nobis esse concessam, ut se in *vassaticum*, Comitibus nostris, more solito commendent. Et si beneficium aliquod, quisquam eorum, *ab eo cui se commendavit fuerit consecutus*, sciat se de illo, tale obsequium Seniori suo exhibere debere, quale nostrates homines de simili beneficio Senioribus suis exhibere solent.—(Præceptum pro Hispanis, A.D. 815,—Baluze, I. p. 552.)

Capitulary of Kiersi.

877.

renuntietur. Si autem filium parvulum habuerit, isdem cum ministerialibus ipsius comitatus et Episcopo in cujus parochia consistit, eundem comitatum prævideat donec obitus præfati comitis ad notitiam nostram perveniat, et ipse filius ejus, per nostram concessionem de illis honoribus honoretur. Si vero filium non habuerit, filius noster cum cæteris fidelibus nostris ordinet, qui cum ministerialibus ipsius comitatus et Episcopo ipsum comitatum prævideat donec jussio nostra inde fiat. Et pro hoc, nullus irascatur, si eundem comitatum alteri cui nobis placuerit dederimus quam illi qui eum hactenus prævidit. Similiter et de vassallis nostris faciendum est. Et volumus atque expresse jubemus, ut tam Episcopi quam Abbates, et Comites, seu etiam cæteri Fideles nostri, hominibus suis similiter conservare studeant; et tam de Episcopatibus quam et de Abbatiis, vicinus Episcopus et Comes prævideant, ne aliquis res ecclesiasticas vel facultates diripiat, et nullus ad eorum eleemosynam faciendam impediat.”

... to be considered as relating to the custody of Counties, &c. in the interval between the death of the Vassal and the investiture of his successor.

It is obvious, however, that the law relates to the custody of the County or Fief during the interval between the death of the father and the investiture of the heir.

The principles of succession appear from the following document, preserved amongst the Epistles of Eginhard:—

Homage performed upon change of Lord as well as of Vassal. Documents proving this principle.

Vassal, who has received a benefice from Charlemagne, unable to repair to Louis le Debonnaire to perform homage, prays that he may receive investiture in the meanwhile.

Magnifico et honorabili atque inlustri viro N. glorioso Comiti, *Eghinardus* sempiternam in Domino salutem. N. Vassus Dominicus, frater uxoris N. Comitis, morbo pedum et senectute gravis, volebat venire ad dominum Imperatorem: sed non potuit propter infirmitatem suam. Cùm primum potuerit, veniet ad servitium ejus. Interim postulat, ut sibi liceat *beneficium* suum habere, quod ei dominus *Karolus* Imperator dedit in *Burgundia* in pago *Genawense* *, usque dum ille ad præsentiam ejus venerit, ac se *in manus ejus commendaverit*. Mihi quoque rectum et utile videtur ut ita fiat, sicut ipse desiderat, quia vir bonus ac prudens est, et bonæ famæ inter vicinos suos: et vos bene facietis, si eum in hac re adjuvare dignemini. Opto ut semper bene valeatis in Domino. (Bouquet, VI. p. 375.)

In this case the Vassal had received his Benefice from Charlemagne, and was about to renew his homage or commendation to

* The Gau of Genf or Geneva.

Louis le Debonnaire. The land had been seized in the King's hands until homage should be performed: and the Vassus being unable to repair to the royal presence, in consequence of his infirmities, he prays, as a favour, that his homage may be respited, and that in the meanwhile he may be allowed to enter into possession of the land. In this transaction there is nothing whatever incompatible with the theory which I have advanced,—of an inchoate right of succession, which became perfect, when the Vassal had complied with the conditions imposed by the original grant.

The principle of beneficiary tenure will appear from another example. The Spaniard "Johannes," having defeated the Saracens in a great battle near Barcelona, offers a share of the spoil,—an excellent horse, a hauberk, and an Indian sword, with its sheath of silver, to Louis, the son of Charlemagne, and prays that he may obtain a part of a certain "*villare heremum*" in the "Pagus" of Narbonne called "*Fontes*." The Spanish refugees were permitted to settle upon these lands, as appears from the "*Præceptum de Hispanis*," and we can have no difficulty in affirming that they are such as the "*campi vacantes*" of the Theodosian code (Lib. vii. 20, 11), which the veterans were allowed to occupy (p. 357) free of all tax or tribute, but upon condition of military service. Johannes *having commended* himself to Charlemagne, he obtains a grant, to hold to him and his posterity, *so long as they shall be faithful to Charlemagne and his sons*.

....cognoscat almitas vestra, qualiter *Johanne* ad nos veniente, ostendit nobis epistolam quam dilectus filius noster *Ludovicus* ei fecerat et per ipsum ad nos direxit. Et invenimus in ipsa epistola insertum quòd *Johannes* ipse super hæreticos sive *Sarracenos* infideles nostros, magnum certamen certavit in pago *Barchinonense* ubi superavit eos, in locum ubi dicitur *ad Ponte*, et occidit jam dictos infideles et cepit de ipsis spolia; aliquid exinde dilecto filio nostro obtulit, equum optimum et brunia optima et spatam Indiam cum techa de argento parata; et petierat in pago *Narbonense*, villare heremum ad laborandum, quem dicunt *Fontes*. Ille verò dedit ei ipsum villare et direxit eum ad nos. Et cùm ad nos venisset cum ipsa epistola, quam filius noster ei fecerat, in manibus *nostris se commendavit*; et petivit a nobis jam

Commendation equivalent to Antrustionship (see p. ccclxxxviii.)

The lands granted by Charlemagne upon condition of fealty.

dictus *fidelis* noster *Johannes* ut ipsum villare, quod filius noster ei dederat, concedere fecissemus. Nos verò concedimus ei ipsum villarem et omnes suos terminos et pertinentias suas ab integrè, et quantum ille cum hominibus suis in villa *Fonte joncosa* occupavit vel occupaverit, vel de heremo traxerit, vel infra suos terminos, sive in aliis locis, vel villis, seu villare occupaverit, vel aprisione fecerit cum hominibus suis. Hæc omnia concedimus ei per nostrum donum, ut habeat ille et *posteritas* sua absque ullo censu aut inquietudine *dum nobis aut filiis nostris fideles extiterint*.

(Baluze, II. p. 1400.)

Homage renewed accordingly by the Vassal to Louis le Debonnaire after the death of Charlemagne.

“*Johannes*” the “*Vassus*,” “*Fidelis*,” or “*Homo fidelis*,” is now clearly in possession of his Benefice, but the first contingency happens, the death of the *Senior*, and immediately (815) upon the death of Charlemagne, *Johannes* appears before Louis le Debonnaire, performs homage in due form, and obtains a fresh livery of the lands, upon the same conditions as before, that he and his heirs should be the *Fideles* of the Emperor and the Emperor’s heirs.

The *Fidelis* commends himself, and performs homage.—815.

Qualiter quidam *homo fidelis* noster, nomine *Johannes*, veniens in nostra præsentia, quæ in *manibus nostris se commendavit*, et petivit nobis sua aprisione, quicquid genitor noster ei concesserat ac nos, et quicquid ille occupatum habebat, aut aprisione fecerat, vel deinceps occupare aut prendere potebat, sive filii sui, cum homines eorum, et ostendit nobis exinde auctoritate quod genitor noster ei fecit. Nos verò alia ei facere jussimus sive melioravimus. Et concedimus eidem *fideli* nostro *Johanne* in pago *Narbonense* villare *Fontes*, et villare *Cello Carboniles*, cum illorum terminos et pertinentias cultum et incultum, ab integrè et quantum ille in villa *Fonte joncosa*, vel in suos terminos, sive in aliis locis vel villis sive villares occupavit, sive aprisionem fecit unà cum suis hominibus, vel deinceps facere poterit, tam ille quàm filii sui, omnia per nostrum donitum habeant, ille et filii sui et posteritas illorum, absque ullum censum vel alicujus inquietudine Et hæc auctoritas nostra firmis permaneat, dum ille et filii sui et posteritas illorum ad nos, *et ad filios nostros, aut ad posteritatem illorum fideles extiterint*. (Baluze, II. p. 1406.)

Condition of fealty as before.

The son of the Vassal obtains livery of Charles le Chauve.—844.

In 844, Louis le Debonnaire and *Johannes* are both dead; the first is succeeded by Charles le Chauve, and Theodfrid, the son of the “*Vassus*” or Beneficiary, appearing before his *Senior*, prays for livery of his inheritance; and, accordingly, he receives the same.

Notum sit omnibus sanctæ Dei ecclesiæ fidelibus et nostris præsentibus atque futuris, quia quidam fidelium nostrorum regni *Septimaniæ*, *Vassus* noster, nomine *Teodtfridus*, nostris obtulit obtutibus auctoritatem avi nostri *Karoli*, qua continebatur

qualiter patri suo, nomine *Johanni*, præscriptus bonæ memoriæ avus noster *Karolus* concesserat villarem ad laborandum qui vocatur *Fontes* cum omni sua integritate, et quantumcunque ille in *Fonte joncosa* de heremi vastitate traxit cum suis hominibus. Ostendit etiam nobis epistolam domni et genitoris nostri *Hludouvici* piissimi Augusti ad *Sturmionem* comitem directam, ut prædictam villam, id est, *Fontes*, memorato *Johanni* absque ullo censu et inquietudine habere dimitteret. Propter quam epistolam avus noster *Karolus*, ut in sua auctoritate continetur illi fieri jussit hoc. Unde et prædictus fidelis noster, nostram *deprecatus* est misericordiam ut nos denuo prædictam villam quemadmodum domnus avus noster augustus ac serenissimus augustus genitor noster patri suo per eorum litteras confirmaverunt, nos denuo illi cum sua integritate vel termino confirmare dignaremur. Quapropter et has litteras nostras illi fieri jussimus; per quas volumus atque firmamus ut prædictus qui moderno habet *fidelis* noster *Teodtfridus* sæpedictam villam *Fontes* perpetuò tenere, habere, et absque ullius inquietudine possidere. (Baluze, II. p. 1445.)

Prayer for the renewal of the grant of the Benefice.

Upon these documents, Guizot observes,—“Ainsi, malgré l'hérédité du titre, chaque fois que le bénéficiaire ou le donateur venoit à mourir, le possesseur du bénéfice *croyait avoir besoin d'être confirmé* dans sa propriété: tant l'idée primitive de la personnalité de cette relation et des droits qui en découlaient, était profondément empreinte dans les esprits.” All this, however, is arguing away from the documents, which are so plain as to leave no doubt of their construction. There was no loose belief of the expediency of confirmation, but a clear necessity of obtaining a renewal of the grant; the land had been granted upon condition of fidelity. Until Johannes had put his hands between the hands of Ludovicus Pius, he had *not* ensured such his fidelity. *When* he had complied with the forms, and renewed the bond of commendation, which had been severed by death, *then* he became entitled to his Benefice, not by favour, but pursuant to law, and he received investiture accordingly.

I.

PRÆCEPTUM DE LÆSIUVERPO.

Quidquid enim in præsentia nostra agitur, vel per manum nostram videtur esse transvulsum, volumus ac jubemus ut maneat in posteram robustissimo jure firmissimum. Ideoque veniens ille [**Adalbertus*], *fidelis* noster ibi in palatio nostro, in

Precept of *Laisiuverpo*, being the record of the surrender made to a Sovereign by a *Fidelis*,

to the intent that he might take it back for his life with remainder to another tenant.

*nostra vel*¹ *Procerum nostrorum præsentia*, villas nuncupatas illas, sitas in pago illo, sua spontanea voluntate, nobis per festucam visus est *werpisse*, vel condonasse, in ea ratione, si ita convenit, ut dum vixerit, eas ex nostro permissio sub usu beneficio debeat possidere, et post suum discessum sicut ejus adfuit petitio, nos ipsas villas fideli nostro illi [†*Lanfrido*], plena gratia visi fuimus concessisse. Qua propter per præsens decernimus præceptum, quod perpetualiter mansurum esse jubemus, ut dummodo taliter ipsius illius decrevit voluntas, quòd ipsas villas in supra scriptis locis nobis voluntario ordine visus est *læsowerpisse*, vel condonasse: et nos prædicto viro illi [*Adalberto*] ex nostro munere largitatis, sicut ipsius illius decrevit voluntas concessimus; hoc est tam in terris, domibus, ædificiis, accolabus, mancipiis, vineis, silvis, campis, pratis, pascuis, aquis aquarumve decursibus, ad integrum quicquid ibidem ipsius illius portio fuit, dum advixerit, absque aliqua deminutione, de qualibet re usufructuario ordine debeat possidere: et post ejus discessum memoratus ille [*Lanfridus*] hoc habeat, teneat et possideat, et suis posteris, aut cui voluerit, ad possidendum relinquat. Et ut hæc auctoritas, &c. (Marculfi Form. I. 13.)

(See Chap. XVII.)

Being convinced, as I have before observed, that this important document was not, as has been hitherto supposed, the voluntary surrender of an Allodialist for the purpose of obtaining the protection of a *Senior*, I fluctuated in opinion respecting its real import.—I rather inclined, however, to the supposition that the transaction was a surrender of Allodial or Folkland, made in order that the owner himself might receive it back with a power of testamentary disposition. On further consideration, I am now entirely satisfied that the surrender is made in Court by the Beneficiary tenant [**Adalbert*] for the purpose of *transferring the land, after his death, to another person* [†*Lanfrid*], or, as we should say in common legal language, a surrender of a customary freehold to the use of himself for life, remainder to *Lanfrid*. All difficulties will be removed, if we advert to the circumstance pointed out by Hallam, and which enabled him to rectify the mistakes committed by Houard and Montesquieu in explaining another of the forms of Marculfus (Middle Ages, chap. ii., p. 1), namely, that these forms being mere precedents, the *blanks* are to be *filled up*² before they are employed. In this instance the *first* “* ille” refers to the tenant, and the *second* “† ille” to the grantee of the reversion.

¹ *Vel* is here used for *et*.

² As is here done with the names “**Adalbert*” and “†*Lanfrid*.”

The best explanatory comment upon the Frankish precept will be found in the following feudal surrender. If we divest the charter of the technical phraseology of the English law, it will be seen that the transactions are identical in effect, and very nearly so, even in form.

Hathewisia de Gurneio, omnibus hominibus suis atque amicis *Francis* et *Anglis* salutem. Sciatis quod *Alexander de Budicumbá* totam terram suam de *Cliveware* vendidit *Thomæ filio Willielmi* pro C. et iii. solidis, et totum suum jus ei quietum clamavit, *in præsentia mei et meorum hominum* in curiâ meâ apud *Barowam*; scilicet illam terram quam *Robertus de Gurneio* pater meus ei *pro servicio suo* dedit; et ipse *Alexander* se inde demisit; et per unum ramum arboris eam terram michi quietam reddidit in manum ad saisendum prædictum *Thomam* de illâ. Et ego saisivi *Thomam* inde per eundem ramum arboris; ad tenendum in capite de me et de meis hæredibus sibi et suis hæredibus, per servicium idem quod *Alexander* michi faciebat, scilicet servicium v. partis unius militis; cum quinque ferdellis terræ de *Bacwellá*; et ipse *Thomas* meus homo inde devenit; et annulum aureum michi inde dedit de recognitione. Hanc convencionem concedo, et hac meâ cartâ et sigilli mei impressione confirmo. Testibus hiis *Thomá de Buritondá*, *Mathello de Gurneio*, *Rogero de Batvent*, *Willielmo filio Radulphi*, *Widone*, *Roberto de Batvent*, *Roberto de Warewic* [with seventeen others]. (Madox's *Formulare Anglicanum*, p. 54.)

Compare with the Precept "de laisiuuerpo."

"in nostra et procerum nostrorum præsentia."

"per festucam."

II.

BENEFICES GRANTED UPON EXPRESS CONDITION OF SERVICE.

(1.)

Concedimus cuidam fideli nostro, nomine *Nivelongo*, sub devotione servitii sui, quasdam res juris nostri, sitas in pago *Otisioderinse* seu *Wastinense* [the *Gatinois*],Unde et hanc nostræ firmitatis auctoritatem scribere jussimus, per quam memorato fideli nostro supra taxatas res, jure proprietario, cum omni eorum integritate concedimus. (Dip. Karoli Calvi. A.D. 843—Bouquet, VIII. p. 435.)

Benefices granted upon the express condition of service or fealty—compare with the Anglo-Saxon landboc, p. ccxix. No. 4.

(2.)

Concedimus cuidam fideli nostro nomine *Sicfrido* et per hanc nostram auctoritatem largimur, ob devotionem servitii sui, quasdam res juris nostri quæ ita noscuntur fore. In pago *Russilione* villa videlicet, &c. Ea videlicet conditione ut quemadmodum de reliquis rebus suis, &c. liberam habeat potestatem faciendi quicquid elegerit, &c.

(Dip. Karoli Calvi. A.D. 843—Bouquet, ut supra.)

(3.)

In nomine Domini nostri Jesu Christi Dei æterni, *Hlotharius* divina ordinante providentia, Imperator Augustus.omnium fidelium sanctæ Dei ecclesiæ ac nostrorum, præsentium videlicet et futurorum, noverit industria, quia dilectissima ac

familiarissima femina nostra *Doda*, ad nostram accedens majestatem, *deprecata* est celsitudinem nostram pro quodam *fidei vassallo* nostro *Ebroino* nomine, ut ei quasdam res nostræ proprietatis, quæ in pago *Hasbannio* sitæ esse noscuntur, id est, in villa *Gundrinio*, mansum dominicatum unum, ad quem pertinere noscuntur, inter terram arabilem et pratum, bunuaria decem et octo, et alii mansi serviles sex, cum mancipia quinque, ad proprium concederemus, ac per præceptum nostrum largiremur Ita videlicet ut quicquid ex eis deinceps jure proprietario facere voluerit, scilicet vendendi, donandi, commutandi, liberam in omnibus habeat potestatem faciendi, sicut et de reliquis hereditatis suæ rebus: *Ita tamen ut nusquam a nostra discedat fidelitate.* A.D. 855. (Martene, *Amplissima Collectio*, Vol. I. p. 138.)

III.

EXTRACTS FROM HISTORIANS OF THE FRANKISH EMPIRE, ELUCIDATING THE PRINCIPLES AND PROGRESS OF FEALTY AND BENEFICIARY TENURE.

(1.)

884. William and Engelschalk,—Marquisate, or Limitanian Benefice of Pannonia, or Austria, granted to them upon condition of defending the same against the Moravians. The *Honour* not being restored to their sons, but granted to Arbo, the sons and their kinsmen expel the intruder.

Reverso ad *Alamanniam* Rege, habitum est in villa, quæ dicitur *Cholonpurum*, generale conventum. Inde edictum est *Baiowarios* ad *Italiam* contra *Vuitonem* belligera manu proficisci. Quippe *Pannonia* magnum detrimentum patitur, cujus rei unde exordium narratur assumpsisse, stilo enucleamus. Igitur cum duo fratres, *Willihelmus* et *Engilschalcus*, terminum regni *Bajowariorum* in oriente à Rege (id est, seniore *Hludowico*) concessum, contra *Marauuos* tenuerunt, multaque pro patria tuenda conflictando sudasse feruntur. Tandem diem ultimum hujus æris in eadem voluntate finivere permanentes. Cum vero non esset *honor* illorum filiis redditus, *Arbo* in Comitatum domno Rege concedente successit. Quod prædictorum virorum pueruli, illorúmque propinqui in contrarium accipientes et vertentes, dixerunt alterutrum fieri, et *Arbonem* Comitem si non recederet de Comitatu parentorum suorum, et seipsos ante faciem gladii morituros. Hoc experimento *Arbo* concussus, amicitiam iniit cum *Zuentibaldo* Duce *Maravorum* gentis, firmatoque inter illos fœdere, filium suum obsidem fieri non tardavit. Nec minus ipsi prædicti pueri consulant quosdam primores *Bajowaricæ* gentis, collatisque propinquis, ac undique copiis, fortior manus in id tempus illis adstabitur. Comitem à Rege constitutum inhonorificè expellebant, comitatumque illis in usum usurpaverunt.

(Ann. Franc. Fuld. Bouquet, VIII. p. 49.)

(2.)

594—595. Tassilo I. appointed King of the Bavarians by Childebert.

His diebus *Tassilo* Rex *Bajoariorum* a *Hildeberto* constituitur, qui mox, *Sclavis* superatis, magnam exinde prædam deportavit.

(Hermannus Contractus, Bouquet, III. p. 324.)

596. His diebus *Tassilo*, a *Childeberto* Rege *Francorum*, apud *Bajoariam* Rex ordinatus est. (Paul. Diac. de Gestis Langobardorum, Bouquet, II., p. 637.)

(3.)

Ogdilo, Dux Bajoariorum, qui *Hiltrudem* filiam *Karoli* ad se fugientem, in conjugium sibi copulaverat contra voluntatem *Pipini* et *Carlomanni*, se et etiam *ducatum suum*, quem largiente olim *Karolo* Principe habuerat, a dominatione *Francorum* subtrahere nitebatur: qua de causa, compulsi sunt gloriosi germani exercitum contra ipsum ducere. (Ann. Metenses, Bouquet, II. p. 686.)

743.

Odilo (a descendant of Tassilo I.) obtains his Duchy by the grant of Charles Martel.

(4.)

Grifo, Saxonum fidei diffidens, *Bajoariam* petiit, et copiis, quæ ad eum de *Francia* confluebant, ipsum Ducatum in suam redegit potestatem: *Tassilonem* et *Hilthrudim* in deditionem accepit; *Swithgerum* sibi in auxilium venientem suscepit. Hæc cum ad *Pipinum* perlata fuissent, cum maximo exercitu in *Bajoariam* profectus est, fratremque suum *Grifonem* cum omnibus qui cum eo vel ad ipsum eò venerant, cepit, *Tassilonem* in Ducatum restituit: domumque reversus, *Grifonem*, more Ducum, duodecim comitatibus ditavit. (Annales Eginhardi, Bouquet, V. p. 197.)

748.

Tassilo (the son of Odilo) restored to his Duchy by Pepin.

Grifo, de *Saxonia* iter peragens, fugiendo in *Bagauriam* usque pervenit, ipsum Ducatum sibi subjugavit, *Hiltrudem* cum *Tassilone* acquisivit. *Swidger* ad eum venit in solatio supradicti *Grifonis*. Hæc audiens *Pipinus*, iter illuc arripiens cum exercitu suo, supranominatos totos sibi subjugavit, *Grifonem* secum abduxit, *Lantfridum* similiter. *Tassilonem* vero in Ducatu *Bajoariorum* conlocavit per suum beneficium. *Grifonem* verò partibus *Neustriæ* misit, et dedit ei duodecim comitatus. (Annales Loiseliani, Bouquet, V. p. 33.)

748.

Pipinus Bajoariam adiens, *Thassilonem* sororis suæ *Hiltrudis* filium, Ducem ibi constituit. (Hermannus Contractus, Bouquet, III. p. 331.)

748, 749.

(5.)

Venit *Dessilo* ad Martis Campum. (Annales Nazariani, Bouquet, V. p. 10.)

754, 755.

Tassilo, as the Vassal of Pepin, attends the Champ de Mars,—performs military service.

Rex *Pipinus*, cum nepote suo *Tassilone*, *Bajoariorum* Dux, partibus *Italiæ*, usque ad *Ticinum* iterum accessit, et totam regionem illam fortiter devastans, circa muros *Ticini* utraque parte fixit tentoria, ita ut nullus exinde evadere potuisset; hæc *Aistulfus*, Rex *Langobardorum*, cernens, &c. (Chron. Fredegar. Bouquet, V. p. 3.)

(6.)

Rex *Pipinus* tenuit placitum suum in *Compendio* cum *Francis*. Ibique *Tassilo* venit, Dux *Bajoariorum*, in *vassatico se commendans* per manus: sacramenta juravit multa et innumerabilia, reliquiis Sanctorum Martyrum manus imponens: et fidelitatem promisit Regi *Pipino* et supradictis filiis ejus, *Domno Carolo* et *Carlomanno*, sicut vassus recta mente et firma devotione per justitiam domino suo esse deberet.

757.

Tassilo appears before Pepin in the Placitum at Compiègne, becomes his Vassal, performs homage, and takes the oath of fealty to Pepin,

and his sons, Charles and Carloman, — the Bavarian Nobles do the like—compare with the Precept of Antrustionship (p. ccclxxxviii.), and the Anglo-Saxon Homages (p. ccxl. &c.)

Sic confirmavit supradictus *Tassilo* supra corpus Sanctorum *Dionysii*, *Rustici*, et *Eleutherii*, necnon et *S. Germani*, seu Sancti *Martini*: ut omnibus diebus vitæ suæ sic conservaret, sicut sacramentis constrictus promiserat. Sic et ejus homines, *majores natu*, qui erant cum eo, firmaverunt, sicut dictum est, in locis superiùs nominatis, et in aliis multis. (Annales Loiseliani, Bouquet, V. p. 34.)

757. *Constantinus* Imperator, *Pipino* Regi multa misit munera, inter quæ et organa, quæ ad eum in *Compendio* villa pervenerunt, ubi tunc populi sui generalem conventum habuit. Illuc et *Tassilo* Dux *Bajoariorum* cum primoribus gentis suæ venit, et *more Francico*, in manus Regis in *vassaticum*, *manibus suis*, *semetipsum commendavit*; fidelitatemque tam ipso Regi *Pipino*, quàm filiis ejus *Karolo* et *Karolomanno* jurejurando super corpus Sancti *Dionysii* promisit. Sed non solum ibi, verum etiam super corpus Sancti *Martini*, et Sancti *Germani*, simili sacramento, fidem se prædictis dominis suis, diebus vitæ suæ, servaturum est pollicitus. Similiter omnes primores ac majores natu *Bajoarii*, qui cum eo in præsentiam Regis pervenerant, fidem se Regi et filiis ejus servaturos in prædictis venerabilibus locis promiserunt.

(Annales Eginhardi, Bouquet, V. p. 198.)

(7.)

763. *Pipinus* Rex habuit placitum suum in *Nivernis*. Et quartum iter faciens in *Aquitaniam*, ibi *Tassilo* Dux *Bajoariorum* postposuit sacramenta, et omnia quæ promiserat, et per malum ingenium se inde seduxit, omnia benefacta quæ *Pipinus* Rex avunculus ejus ei fecit, postposuit: per ingenia fraudulenta se subtrahendo, *Bajoariam* petiit, et nusquam amplius faciem supradicti Regis videre voluit.

(Annales Loiseliani, Bouquet, V. p. 35.)

763. Redeunte anni congruo tempore, conventu in *Nivernis* habito, et contractis undique copiis, Rex *Pipinus* *Aquitaniam* repetit, et omnia quæ extra munitiones erant, ferro et igne depopulatus, usque ad *Cadurciam* oppidum accessit. Inde cum exercitu integro in *Franciam* se recepturus, per *Limovicam* regreditur. De qua expeditione *Tassilo*, *Bajoariæ* Dux ægritudine per dolum simulata, in patriam reversus est: firmatoque ad defectionem animo, ad Regis aspectum se ulterius venturum abjuravit.

764. Rex *Pipinus*, distracto in diversa animo propter duo bella; *Aquitanicum* scilicet jam olim susceptum, et *Bajoaricum* propter *Tassilonis* Ducis defectionem suscipiendum, populi sui generalem conventum habuit in *Wormacia* civitate. Dilatâque in futurum expeditione, illo anno domi se continuit.

(Annales Eginhardi, Bouquet, V. p. 199.)

(8.)

780. *Tassilo*, Dux *Bajoariæ*, contra *Karolum* Regem rebellat, hortatu uxoris suæ quæ filia erat *Desiderii* Regis, et exilium patris sui per maritum suum vindicare tentabat.

(Chron. Sigeberti, Bouquet, V. p. 377.)

Tassilo, instigated by his wife, rebels against Charlemagne.

(9.)

Sine hoste fuit hic annus, nisi tantum *Vurmacia* civitate venerunt *Franci* ad 781.
Placitum: et ibi fuit *Tassilo*, Dux de *Baioaria*, magnaue munera presentavit Domno
Regi et per suum comigatum rediit ad patriam.

(Annales Petaviani, Bouquet, V. p. 15.)

Tassilo attends the Placitum, or Champ de Mai—presents gifts to the King.

(10.)

Carolus Romam veniens, honorificè ab *Adriano* Papa susceptus est. Et cum ibi 781.
sanctum *Pascha* celebraret, baptizavit idem Pontifex filium ejus *Pipinum*, unxitque
in Regem. Unxit etiam et *Ludovicum* fratrem ejus, quibus et coronam imposuit.
Quorum major, id est, *Pipinus*, in *Langobardia*: minor verò in *Aquitania* Rex con-
stitutus est. quibus gestis, in *Franciam* reversus est. Sed cum Romæ esset,
convenit inter ipsum atque *Adrianum* Pontificem, ut simul Legatos mitterent ad
Tassilonem Ducem *Bajoariæ*, qui eum commonerent de sacramento quod *Pipino*
Regi et filiis ejus ac *Francis* juraverat: scilicet ut eis subjectus esset ac obediens.
Electi ac directi sunt in hanc legationem de parte Pontificis, *Formosus* ac *Damasus*
Episcopi, et de parte Regis *Richolfus* Diaconus, atque *Eberhardus* Magister Pincer-
narum. Qui cùm, ut jussi erant, commemorato Duci locuti fuissent, in tantum cor
ejus emollitum est, ut diceret se statim velle ad Regis properare præsentiam, si sibi
tales dentur obsides, sub quibus de sua salute dubitare nulla sit necessitas. Quibus
datis, sine cunctatione apud *Wormaciam*, ad Regem venit, sacramentum quod jube-
batur juravit, obsides duodecim qui imperabantur sine mora dedit: quos *Suidbertus*
Reginensis Episcopus de *Bajoaria* in *Carisiaco* ad conspectum Regis adduxit. Sed
idem Dux domum reversus, non diu in ea quam promiserat fide permansit.

(Annales Eginhardi, Bouquet, V. p. 205.)

Pope Adrian, and Charlemagne, join in despatching legates to Tassilo, exhorting him to observe the oaths of fealty which he had sworn. Tassilo repairs to Worms—renews his oaths, but which he immediately afterwards breaks again.

(11.)

Carolus Rex *Francorum* de Roma revertens, ad *Paveia* Civitatem, *Langobardos* 787.
congregavit, &c. postea, commoto exercitu *Francorum*, perrexit in fines *Aleman-*
norum et *Bejuveriorum*, ad flumen quod appellatur *Lech*. Illucque veniens *Dessilo*
Dux *Bejuveriorum* ad eum, et reddidit ei cum baculo ipsam patriam, in cujus capite
similitudo hominis erat. Et effectus est *vassus* ejus, et *Theodonem* filium suum dedit
ei obsidem. (Annales Nazariani, Bouquet, V. p. 12.)

Tassilo surrenders up his duchy to Charlemagne, by the delivery of the Staff. Renews his vassalage—his son given as a hostage.

Karolus perrexit in fines *Bajuvariorum*, et illuc venit Dux *Tassilo*, et reddidit ei 787.
ipsam patriam cum baculo, in cujus capite similitudo hominis erat sculptum, et dedit
ei filium suum *Deodonem* obsidem. (Annales Guelferbyt. Pertz. I. p. 45.)

(12.)

Dessilo autem Dux *Bejuveriorum* venit in *Franciam* ad Regem *Francorum* 788.
Carolus, ad villam quæ appellatur *Ingolheim*. Post hæc ergo transmisit jam præ-

Tassilo brought before

Charlemagne, accused of treason,—confesses his guilt,—shorn as a monk.

His sons also shorn and banished.

[Another narrative of the preceding transactions.]

787. Tassilo despatches ambassadors to the Pope, praying his mediation.

The Pope fulminates an anathema against Tassilo, unless he observes the oaths which he had sworn to Pepin, &c. The Pope further declares, that unless Tassilo renders due obedience, Charlemagne and the Franks will be fully absolved from all sin in relation to bloodshed, &c., to be occasioned by the just and necessary war which may be undertaken against the rebels.

fatus Rex Legatos suos in *Bejuveriam* post uxorem ac liberos jam præfati Ducis. Qui studiosè atque efficaciter jussionem Regis implentes, adduxerunt hæc omnia, una cum thesauris, ac familia eorum copiosa valde, ad jam dictum regem. Cùmque hæc ita agerentur, comprehensus est jam præfatus Dux à *Francis*, et ablatis armis ejus, ductus est ante regem. Igitur cumque simul sermocinarentur, interrogavit eum de insidiis atque dolosis consiliis, quod cum multis gentibus jam olim ei præparare conatus fuerat. Quod cùm ille negare nequaquam prævalere videbatur, invitus jussus est comam capitis sui deponere. Ille autem magnis precibus postulabat Regem, ut non ibidem in Palatio tonderetur, propter confusionem videlicet, atque opprobrium quod à *Francis* habere videbatur. Rex enim precibus ejus adquiescens, ad Sanctum *Nazarium*, qui juxta *Rheno* flumine in corpore requiescere cognoscitur, eum transmisit; et ibidem clericus effectus est, et indè exiliatus est ad Cœnobium quod appellatur *Gemeticum*. Duo quoque filii ejus, his nominibus, *Theoto* et *Theotbertus*, utrique tonsurati atque exiliati sunt. Nam et uxor jam præfati Ducis nomine *Luitburga* exiliata esse comprobatur. Hæc ergo omnia ad gloriam et honorem domino Regi, ad confusionem vero et opprobrium fiebant inimicis suis, eò quòd rerum Creator omnium fecit eum semper esse triumphatorem.

(Annales Nazariani, Bouquet, V. p. 12.)

Reversus est sæpè nominatus Rex, et celebravit Pascha cum domno Apostolico in Roma. Ibique venientes missi *Tassilonis* Ducis, hii sunt, *Arnus* Episcopus, et *Hunricus* Abba, petierunt Apostolicum ut pacem terminaret inter domnum *Carolus* Regem, et *Tassilonem* Ducem. Unde et domnus Apostolicus multum se interponens, postulando jam dicto domno Regi. Et ipse domnus Rex respondit Apostolico, hoc se voluisse, et per multa tempora quæsisse, et minimè invenire potuisse, et proferebat statim fieri. Et voluit supradictus domnus Rex in præsentia domni Apostolici cum ipsis missis, pacem firmare: et renuentibus supradictis missis, dicendo, quia non ausi fuissent de eorum parte ullam firmitatem facere. Apostolicus verò cùm cognovisset de instabilitate vel mendacio eorum, statim, supra dictum Ducem eorum vel suis consentaneis, anathema posuit: si ipsa sacramenta, quæ promiserat domno *Pipino* Regi, et domno *Carolo* item Regi, non adimpleret. Et obtestans supradictos missos, ut contestarent *Tassilonem*, ut non aliter fecisset, nisi in omnibus obediens fuisset domno Regi *Carolo*, et filiis ejus, et genti *Francorum*, ut ne fortè sanguinis profusio proveniret, vel læsio terræ illius. Et si per se Dux, obdurato corde, verbis supradicti Apostolici minimè obedire voluisset, tunc domnus *Carolus* Rex, et suus exercitus absoluti fuissent ab omni periculo peccati, et quicquid in ipsa terra factum eveniret in incendiis, aut in homicidiis, vel in qualecumque malitia, ut hoc super *Tassilone* et ejus consentaneis evenisset, et domnus Rex *Carolus*, ac *Franci*, inoxii ab omni culpa exinde permansissent. Hæc verba expleta, missi *Tassilonis* absoluti sunt. Et tunc in invicem sibi domnus Apostolicus atque domnus gloriosus *Carolus* Rex valedicentes, benedictione assumpta, oratione peracta, *Franciam* jamdictus præcellentissimus Rex reversus est. Et pervenit idem mitissimus Rex ad conjugem suam domnam *Fastradam* Reginam in civitate *Warmatia*: et ibi ad invicem gaudentes et lætificantes, ac Dei misericordiam conlaudantes: synodum namque congregavit suprascriptus domnus Rex ad eandem civitatem. Et sacer-

dotibus suis, et aliis optimatibus nunciavit, qualiter omnia in itinere suo peragebantur. Et cum venisset ad hunc locum, quod omnia explanasset de parte *Tassilonis*, sicut actum erat: tunc perspiciebat idem Rex ut missos mitteret, mandaretque *Tassiloni*, ut omnia adimplere festinaret, secundum jussionem Apostolici, vel sicut justitia erat: eo quod sub jurejurando promissum habebat, ut in omnibus obediens et fidelis fuisset domno Regi *Carolo*, et filiis ejus, vel *Francis*, et venire contempsit. Tunc domnus Rex *Carolus* unâ cum *Francis* videns justitiam suam, iter cœpit peragere partibus *Bajoariæ* cum exercitu suo, et per semetipsum venit in loco, qui *Lecfel* vocatur, super civitatem *Augustam*. Et jussit alium exercitum fieri, id est, *Francorum*, *Austrasiorum*, *Thoringorum*, et *Saxonum*, et conjungere super *Danubium* fluvium, in loco qui dicitur *Faringa*. Et tertium exercitum jussit fieri partibus *Italiæ*, ut domnus *Pipinus* Rex venisset usque ad *Triantum* cum exercitu suo, et ipse ibi maneret, et exercitum suum pleniter in antè mitteret usque ad *Bauzanum*. Tunc prospiciens se *Tassilo* ex omni parte esse circumdatum, et videns quod omnes *Bajoarii* plus essent fideles domno Regi *Carolo*, quam ei, et cognovissent justitiam jamdicti domni Regis, ut magis voluissent justitiam consentire, quam contrarii esse, undique contristatus *Tassilo* venit per semetipsum, tradens se manibus domni Regis *Caroli* in *vassaticum*, et reddens Ducatum sibi commissum a domno *Pipino* Rege, et cognovit se peccasse in omnibus et malè egisse. Tunc denuo renovans sacramenta, et dedit obsides electos duodecim, et decimum tertium, filium suum *Theodonem*. Receptis obsidibus, et præstitis sacramentis, tunc reversus est prefatus gloriosus Rex in *Franciam*. Et celebravit Natalem Domini in villa quæ dicitur *Ingilenhaim*, et Pascha similiter. Et immutavit se numerus annorum in DCCLXXXVIII. Tunc domnus Rex *Carolus* congregans synodum ad jam dictam villam *Ingilenhaim*, ibique veniens *Tassilo* ex jussione domni Regis, sicut cæteri ejus vassi. Et cœperunt fideles *Bajoarii* dicere; quod *Tassilo* fidem suam salvam non haberet, sed postea fraudolans appareret, postquam filium suum dedit cum aliis obsidibus, et sacramenta fefellit, suadente uxore sua *Luitberga*. Quod et *Tassilo* denegare non potuit, sed confessus est, se ad *Avaros* transmisisse vassos supradicti domini Regis, ut ad se cohortando venirent: et se super vita Regis conciliasse; et homines suos, quando jurabant, jubebat ut aliter in mente retinerent, et sub dolo jurarent: et quod magis confessus est, se dixisse, etiamsi decem filios haberet, omnes voluisset perdere, antequam placita sic manerent, vel stabile permetteret sicut juravit. Et etiam dixit, meliùs se moriturum esse, quam ita vivere. Et de his omnibus comprobatus, *Franci*, et *Bajoarii*, *Langobardi*, et *Saxones*, vel omnes ex aliis provinciis, qui ad eandem synodum congregati fuerunt, reminiscens priorum malorum ejus, et quomodo domnum *Pipinum* Regem in exercitu derelinquens, et ibi quod *Theodisca* lingua "*Harislitz*" dicitur, visi sunt judicasse se eundem *Tassilonem* ad mortem. Sed dum omnes unâ voce acclamarent, capitali eum ferire sententiâ, jamdictus domnus *Carolus* piissimus Rex, motus misericordiâ ob amorem Dei, et quia consanguineus ejus erat, contenuit ab ipsis Dei ac suis fidelibus, ut non moriretur. Et interrogatus à jamfatto clementissimo domno Rege prædictus *Tassilo*, quid agere voluisset: ille vero postulavit, ut licentiam haberet sibi tonsorandi, et in monasterio introeundi, et pro tantis peccatis pœnitentiam agendi, et ut suam salvaret animam. Similiter et filius ejus *Theodo* dijudicatus est, et tonsoratus, et in monasterio missus. Et pauci

Tassilo summoned to appear before Charlemagne, which he refuses to do.

Charlemagne leads his army against Tassilo.

Tassilo renews his homage, and gives hostages.

788.

Tassilo appears before Charlemagne, at Ingelheim, like the other Vassals.

Accused of *Harislitz*—(i. e. desertion from the *Here* or Army,)—and other treasons,—condemned to death by the judgment of his Peers, the *Vassi* attending the Placitum.

Bajoarii, qui in adversitate domni *Caroli* Regis perdurare volebant, missi sunt in exilio. (Annales Loiseliani, Bouquet, V. p. 46.)

(13.)

794.

Tassilo humbly craves forgiveness for his treasons.

Surrenders (by Guerdion) all the right and property which he, or his sons or his daughters had or might have in the Dukedom.

Tassilo pardoned by Charlemagne, to the end that he might embrace the monastic life. Three writs made, containing this capitulum, one to be kept in the imperial palace, a second to be given to Tassilo, and a third kept in the chapel (see pp. 177, 178, &c.)

Capitulare *Francofordiense* datum in pleno synodo anno Christi DCCXCIV.

De *Tassilone* definitum est capitulum, qui dudum *Bajoariæ* Dux fuerat, sobrinus videlicet domni *Karoli* Regis. In medio sanctissimi adstitit concilii, veniam rogans pro commissis culpis, tam quas tempore domni *Pippini* Regis adversus eum et regnum *Francorum* commiserat, quam et quas postea sub tempore domni nostri piissimi *Karoli* Regis, in quibus fraudator fidei suæ extiterat, indulgentiam, ut ab eo mereretur accipere humili petitione visus est postulasse, dimittens videlicet puro animo iram atque omnem scandalum de parte sua, quæque in eo perpetrata fuissent, et sciebat, *necnon omnem justitiam et res proprietatis*, quantum illi aut filiis vel *filiabus* suis in ducatu *Bajoariorum* legitimè pertinere debuerant, *gurdavit atque projecit*, et in postmodum omni lite calcanda, sine ulla repetitione indulxit, et filios ac filias suas in illius misericordia commendavit. Et idcirco Dominus noster misericordia motus præfato *Tassiloni* gratuito animo et culpas perpetratas indulxit, et gratiam suam pleniter concessit, et in sua eleemosyna eum in amore dilectionis visus est suscepisse, ut securus de Dei misericordia existeret in antea. Unde tres breves ex hoc capitulo uno tenore conscriptos fieri præcepit, unum in *palatio retinendum*; alium præfato *Tassiloni*, ut secum haberet in monasterio, dandum; tertium vero in sacri palatii *capella* recondendum fieri jussit. (Baluze, I. p. 263.)

(14.)

Duke of the Bavarians always to be chosen or appointed from the family of the Agilolfings. But he is to be faithful towards the Frankish sovereign, and prudent or wise in government.

I. De genealogia qui vocantur *Hosidra*, *Ozza*, *Sagana*, *Habilingua*, *Anniena*, isti sunt quasi primi post *Agilolfingos*, qui sunt de genere ducali. Illis enim duplum honorem concedimus, et sic duplam compositionem accipiant.

II. *Agilolfingi* vero usque ad ducem in quadruplum componuntur, quia summi principes sunt inter vos.

III. Dux vero qui præest in populo, ille *semper* de genere *Agilolfingorum* fuit: et *debet esse*: quia sic Reges antecessores nostri concesserunt eis, *ut qui de genere illorum fidelis Regi erat, et prudens, ipsum constituerent Ducem, ad regendum populum illum*. (Lex Bajuvariorum, Tit. II., cap. xx., § 1, 2, 3.)

Si quis contra Ducem suum, quem *Rex ordinavit in provincia illa, aut populus sibi elegerit Ducem*, de morte ejus consiliatus fuerit, et exinde probatus negare non potest, in Ducis sit potestate, homo ille et vita illius: et res ejus infiscentur in publico.

(Lex Bajuvariorum, Tit. II. cap. I. § 1.)

(15.)

635, 636.

Gascons take the oath of fealty to Dagobert,

Wascones oppressi seu perdomiti, veniam et pacem petentes, promittunt se gloriæ et conspectui *Dagoberti* Regis præsentaturos, et suæ ditioni traditos, cuncta ab eodem injuncta impleturos Anno decimo quinto Regni *Dagoberti*, *Wascones* omnes

seniores terræ illius cum *Aiginane* Duce ad *Dagobertum*, *Clippiacum* venerunt
ibique sacramentis *Wascones* firmantes simul et promittentes se omni tempore,
Dagoberto et filiis suis regnoque *Francorum* fideles fore: quod more solito, sicut
sæpe fecerant, fefellerunt. (Chron. Fredegar. Bouquet, II. p. 443.)

(16.)

Eodo Dux mortuus est. Quod cum audisset invictus princeps *Karolus*, adunato
exercitu, *Ligerim* fluvium transiit, et usque *Garonnâ* et urbem *Burdegalensem*, et
castra *Blavia* occupavit. Illamque regionem cepit et subjugavit, cum urbibus ac
suburbanis eorum. Ducatûmque illum solita pietate *Hunaldo* filio *Eodonis* dedit,
qui sibi et filiis suis, *Pippino* et *Karlomanno* fidem promisit.

Pipinus et *Karlomannus* collecto exercitu, *Ligerim* transeunt et castra
in finibus *Aquitaniæ* ponunt. Videns autem *Hunaldus* Dux, quod eis resistere non
valeret, omnem voluntatem eorum se facere, sacramentis et obsidibus datis sponndit,
ipsumque cum omnibus quæ habebat, invictorum principum servitio se mancipavit . .
Hunaldus corona capitis deposita, et monachi voto promisso, in monasterium quod
Radis insula situm est, intravit, filiumque suum *Waiferium* in principatu reliquit.

(Ann. Mettenses, Bouquet, II. pp. 684, 687.)

(17.)

Ibi inter alia, veniens *Zwentibaldus* Dux cum principalibus suis, *homo*, sicut mos
est, per manus imperatoris efficitur, contestatus illi fidelitatem juramento, et usque
dum *Karolus* vixisset nunquam in regnum suum hostili exercitu esset venturus.

(Ann. Fuld. Bouquet, VIII. p. 49.)

(18.)

Post hæc adveniente atque annuente *Ludovico* et missis *Pipini* omnique populo
qui præsentibus in *Aquis* palatio adesse jussi fuerant, dedit filio suo *Karolo*, maximam
Belgarum partem, &c. . . . deinde quicquid inter *Mosam* et *Sequanam*, &c. . . . Et de
Burgundia, &c. . . omnes videlicet Episcopatus, Abbatias, Comitatus, fiscos, et omnia
inter prædictos fines consistentia, cum omnibus ad se pertinentibus in quacumque
regione consistent, sicque jubente imperatore, in sua præsentia Episcopi, Abbates,
Comites, et *Vassalli dominici* in memoratis locis beneficia habentes, *Carolo* se com-
mendaverunt, et fidelitatem sacramento firmaverunt.

(Ann. Bertin. Bouquet, VI. p. 199.)

(19.)

Deinceps per totum reliquum diei tempus, hominia fecerunt Consuli illo, qui feodati
fuerant prius a *Karolo* Comite piissimo, suscipientes tunc feoda sua et officia, et
quæcunque obtinuerant antè Septimo idus Aprilis, feria

734, 735.

Upon the death of Eudes Duke of the Aquitainians, Charles Martel occupies the country, after which he grants the dukedom to Hunald, the son of Eudes, who takes the oath of fealty to Charles Martel, and his sons, Pepin and Carloman.

744.

Hunaldus submits to the will of Pepin and Carloman, and confirms his engagement by oath [of fealty].

884.

Zwentibald becomes the Man or Homager of Charles le Gros, and takes the oath of fealty to him.

837.

Neustria, &c. granted by Louis le Debonnaire to Charles le Chauve.

All the Bishops, Abbots, Counts, and royal vassals, perform homage to the new King, and take the oath of fealty.

1127.

Upon the inauguration of William the Norman as Count of Flanders,

all those who had been enfeoffed by his predecessor, Charles the Good, become his men, and perform homage, take the oath of fealty, and receive a new investiture of their fiefs, by the delivery of the rod.

quinta, iterum hominia facta sunt Comiti quæ hoc ordine suæ fidei et securitatis, termino consummata sunt. Primùm, hominia fecerunt ita. Comes requisivit si integrè vellet homo suus fieri; et ille respondit, *Volo*—et junctis manibus amplexatus a manibus comitis, osculo confœderati sunt; secundo loco, fidem dedit is, qui hominiam fecerat, *Prolocutori** Comitis, in iis verbis. Spondeo in fide mea, fidelem fore amodo Comiti *Willielmo* et sibi hominiam integraliter contra omnes observaturum, fide bonâ et sine dolo. Idemque super reliquias sanctorum tertio loco juravit. Deinde virgula, quam manu Consul tenebat, investituras dedit eis omnibus qui hoc pacto securitatem et hominiam, simulque juramentum fecerant.

(Vita Caroli Boni, Auctore Galberto, Recueil des Historiens, XII. p. 387.)

IV.

FORMS OF VASSALAGE AND FEALTY.

(1.)

Oath of fealty taken before the Missi, A.D. 802.

Sacramentale qualiter promitto ego, quod ab ipso die in antea fidelis sum domno *Karolo* piissimo Imperatori filio *Pippini* Regis et *Berthanæ* Reginae, pura mente absque fraude et malo ingenio de mea parte ad suam partem, et ad honorem regni sui, *sicut per drictum debet esse homo domino suo*. Sic me adjuvet Deus et ista sanctorum patrocinia, quæ in hoc loco sunt, quia diebus vitæ meæ per meam voluntatem, in quantum mihi Deus intellectum dederet, sic attendam et consentiam.

(Baluze, I. p. 378.)

(2.)

Oath of fealty taken by the laity in the general Placitum apud Gundulfivillam, 872.

Sacramentum generale omnium fidelium. Sic promitto ego, quia de isto die in antea isti Seniori meo, quamdiu vixero, fidelis et obediens et adjutor quantumcunque plus et melius sciero et potuero, et consilio et auxilio secundum meum ministerium in omnibus ero absque fraude et malo ingenio, et absque ulla dolositate vel seductione seu deceptione, et absque respectu alicujus personæ, et neque per me, neque per missum, neque per litteras, sed neque per emissam, seu intromissam personam, vel quocunque modo ac significatione contra suum honorem et sanctæ ecclesiæ atque regni illi commissi quietem et tranquillitatem atque soliditatem machinabo vel machinanti consentiam; neque unquam aliquod scandalum movebo quod illius præsentis vel futura saluti contrarium vel nocivum esse possit. Sic me Deus adjuvet et ista sanctorum patrocinia. (Baluze, II. p. 226.)

(3.)

Oath of fealty to be taken by the Vassal—from the book of Feuds.

Qualiter autem debeat jurare vasallus fidelitatem, videamus—Jurare scilicet sic debet. Ego juro ad hæc sancti Dei evangelia, quod amodo in antea ero fidelis huic, *sicut debet esse vasallus domino*: nec id quod mihi sub nomine fidelitatis commiserit Dominus, pandam alii ad ejus detrimentum, me sciente.

(Jus Feod. Longob. Lib. ii., Tit. 5.)

* The Chancellor.

(4.)

Hu se Man sceal swerien. How the *Man* [or Vassal] shall swear.
 I will be obedient and faithful to N. [ic wille beon N. hold and getriwe] and love all that he loves, and shun all that he shuns, according to the laws of God, and of the world, and never willingly, or by compulsion, in word or deed, do aught that is hateful to him; on condition that he keep me as I am willing to earn, and all that fulfil which was agreed upon between us, when I submitted to him, and chose his will. (Leg. Ang. Sax. p. 63.)

The Anglo-Saxon Hyld-oath, or "oath of obedience."

(5.)

Imprimis ut omnes jurent in nomine Domini pro quo sanctum illud sanctum est, fidelitatem *Edmundo Regi, sicut homo debet esse fidelis domino suo*, sine omni controversia et seditione, in manifesto, in occulto, in amando quod amabit, nolendo quod nolet, et antequam juramentum hoc dabitur ut nemo concelet hoc in fratre vel proximo suo plusquam in extraneo. (Bromton, p. 859.)

Oath of fealty taken to Edmund, as settled in the Witenagemot at "Culestone." (See 1 and 3.)

(6.)

Post alias, unguendi, coronandi et regem inthronizandi ceremonias, cuncti Proceres homagium faciunt; Archiepiscopi et Episcopi genuflectentes; sic,

. I, *A. B.*, shall be faithfull, and true faith and troth bear unto you, our Sovereign Lord, and to your heirs, Kings of England: and I shall do and truly acknowledge the service of the lands which I claim to hold of you, as in the right of the Church, as God help me.

Homage and fealty as anciently performed by the ecclesiastical and temporal Baronage on the accession of a King of England.

Quo facto sinistram Regis buccam deosculantur.—Proceres verò temporales hoc modo homagium faciunt.

. . . . I, *N. N.*, become your liege man of life and lymme, and of earthly worship; and faith and troth I shall bear unto you, to live and dye against all manner of folk, so God me help. (Spelman's Glossary, p. 296.)

(7.)

I become zour man, my Liege King, in land, lich, life and lim, warldly honour, homage, fealty and lawty, against all that live and die. Zour counsell conceiland, that ye schaw me. The best counsel schawand, gif ye charge me, your skaith or dishonour not to hear or see, bot I shall let at it all my gudly power, and warne zow theirow. Swa helpe me God. (Bishop Nicholson's Pref. to Wilkins, p. vii.)

Oath of fealty taken by Scottish Barons to the King.

(8.)

Devenio homo vester, de tenemento quod de vobis teneo (vel aliter) quod de vobis teneo et tenere debeo; et fidem vobis portabo de vita et membris, et terreno honore,

English form of performing homage and

fealty according to Bracton. (secundum quosdam, vel aliter, secundum alios) de corpore et catallis et terreno honore, et fidem vobis portabo contra omnes gentes (qui vivere poterint et mori, secundum quosdam) salva fide debita domino Regi, et hæredibus suis. *Et statim post*, faciat domino suo sacramentum fidelitatis hoc modo:

Oath of fealty to be taken immediately after he homage. Hoc audis, Domine N. quod fidem vobis portabo de vita et membris, corpore, et catallis, et terreno honore, sic me Deus adjuvet et hæc sancta Dei evangelia. (Bracton, Lib. II., Cap. 25, § 8.)

(9.)

Modus faciendi homagium, usually, but erroneously, considered as a Statute of the 17 Ed. II. Quant fraunk homme fra hommage a son Seignur, de qi il tient son chief mesuage, il tendra ses mains jointes par entre les mains son Seignur, et dirra issint—Jeo deveigne vostre homme de ceo jour en avaunt, de vie et de membre et de terrein honour, et foi vous porterei del tenement qe jeo clayme tenir de vous, sauve le foi qe jeo doi a nostre Seignur Roi.

Quant fraunk homme fra feauté, il tendra sa main destre outre le livre, et dirra issint—Ceo oiez vous monsieur R. qe jeo vous serrei foial et loial, et foy vous porterei des tenementz qe jeo clayme tenir de vous, et loialment vous conusterei et loialment vous ferrei les custumes et les services qe faire doie as termes assignez: si moy eide Dieux et les Seintz.

MILITARY ADOPTION—KNIGHTHOOD.

Du CANGE supports the opinion, that the origin of Chivalry is to be sought in the ceremony of military adoption, deduced from the ancient Teutonic usage commemorated by Tacitus. (Hist. de St. Louis, Diss. XXII. des adoptions d'honneur en fils, et par occasion de l'origine de la Chevalerie,—also in his Glossary, *Arma*.) Some examples adduced by him are not exactly in point; but, on the whole, his arguments are convincing. The interesting and spirited, but fanciful St. Palaye, who has often substituted the visions of romance for the truth of history, seems rather to abandon this conclusion; but he has failed to observe, that Chivalry, like feudality, is a complex institution. The religious sentiment, the high wrought feeling of Gothic Knighthood, may have been derived from other sources; but the main feature of the military initiation is, indisputably, found in the investiture of the Teutonic youth. The best proof of this assertion will be given by the simple juxtaposition of a few examples selected from the annals of different realms and distant ages.

Military adoption.
Du Cange opposed to St. Palaye.

(1.)

Arma sumere, non ante cuiquam moris, quam civitas suffecturum probaverit: tum in ipso concilio, vel Principum aliquis, vel pater, vel propinquus, scuto frameaque juvenem armat: hæc apud illos toga, hic primus juventæ honos. (Tacit. Germ. 13.)

Arms given to the German youth in the Folk-moot, either by one of the nobles, or by his father or some near relation.

(2.)

Regi *Herulorum*, *Theodoricus* Rex.—Per arma fieri posse filium, grande inter gentes constat esse præconium, quia non est dignus adoptari nisi qui fortissimus meretur agnosci

Military adoption of the King of the Heruli by Theodoric of Verona.

Et ideo *more gentium* et conditione virili, filium te presenti munere procreamus; ut competenter per arma nascaris filius. Damus tibi equos, enses, clypeos, et reliqua instrumenta bellorum; sed quæ sunt omnibus fortiora, largimur tibi nostra indicia.

(Cass. Var. IV. 2.)

(3.)

791. Interea anno hunc sequente, patri Regi Rex *Ludovicus*, *Engleheim* occurrit, inde *Renesburg* cum eo abiit. Ibique ense, jam appellens adolescentiæ tempora, accinctus est (Vita Lud. Pii, Bouquet, VI. 89.)

Louis le Debonnaire girt with the sword, by his father Charlemagne.

(4.)

838. Domnus Imperator filium suum *Karolum*, armis virilibus, id est, ense cinxit, corona regali caput insignivit, partemque regni quam homonymus ejus *Karolus* habuit, id est, *Neustriam* attribuit. Et præsentes quidem *Neustriæ* provinciæ primores *Karolo* manus dederunt, et fidelitatem sacramento obstrinxerunt: absentium autem quisque postea itidem fecit. (Vita Lud. Pii, p. 121.)

Charles le Chauve girt with the sword by his father, Louis le Debonnaire, preparatory to his obtaining the kingdom of Neustria. Oaths of fealty taken to him.

(5.)

Tunc jussu patris in testamento, *Athelstanus* in Regem acclamatus est, quem jam tricennalis ætas et sapientiæ maturitas commendabant. Nam et avus *Alfredus* prosperum ei regnum olim imprecatus fuerat, videns et gratiosè complexus speciei spectatæ puerum et gestuum elegantium, quem etiam prematurè *Militem* fecerat, donatum clamyde coccinea, gemmato baltheo, ense *Saxonico* cum vagina aurea.

Athelstane, when a boy, created a knight by Alfred, his grandfather, who invests him with the robe, the sword, and the belt.

(Malm. de Gestis, II. 6.)

(6.)

1086. Here the King bare his crown, and held his court at Winchester at Easter; and so he travelled, that he was at Westminster at Whitsuntide; and he dubbed his son Henry a Knight there [and dubbade his sunu Henric, to ridere thær].

Henry knighted by his father, William the Conqueror.

(Sax. Chron.)

(7.)

1178. Rex [*Henricus*] vero post Archiepiscopi recessum, *Gaufridum* filium suum Comitem *Britanniæ* militem fecit apud *Wodestokam*. (Benedictus Abbas, 266.)

Geoffry, Count of Brittany, knighted by Hen. II.

(8.)

1185. Et sic finito concilio, Dominus Rex venit usque *Windesoveres*, et Dominica media quadragesimæ quæ kalendis Aprilis evenit, honoravit *Johannem*, filium suum, armis militaribus, et statim misit eum in *Hyberniam*, et eum inde regem constituit.

John knighted by Hen. II. preparatory to his being appointed King of Ireland. (See No. 4.)

(Benedictus Abbas, 435.)

LEGISLATION OF THE STATES COMPOSING THE FRANKISH
EMPIRE.

IN the legislative bodies which existed in the States composing the Frankish Empire, there were, as I have observed, two modes of enactment; the law might be transmitted by the Sovereign to the assembly; or, he might make his decree or constitution, upon the request or petition of the different ranks or orders, according to the practice of the Roman empire.

Of such legislation, pursuant to petitions presented by the clergy, there are two very remarkable and instructive examples. A "Conventus Populi" is held at Thionville, 821¹; and at the same time and place, the prelates of Gaul and Germany are assembled in synod. In the last mentioned Council it was decreed, that a humble supplication should be addressed to the Sovereign, praying for the infliction of additional punishments upon those who might assault or slay the clergy. A Capitulum enacted by Charlemagne had rendered such offenders liable to pecuniary penalties²; but a late atrocious act, the assassination of a Gascon bishop, had shown that these were inadequate, and therefore the clergy prayed that heavy penances should be imposed. The murderer of the Bishop is to abstain from meat and wine during the whole of his life, to be excluded from the nuptial bed, and to put off, for ever, the belt and

(See Chap. XVII.)
Two modes of enactment in the legislative assemblies of the Frankish empire. The Sovereign might present the proposed law to the assembly: or it might result from his answer to the petitions presented to him, in a manner analogous to the practice of the Lower Empire (p. 340), and also to the practice of the Parliaments, States-General, and Cortes, of the Middle Ages.
(p. 365.)

¹ 821. Medio Octobri conventus publicus in *Theodonis villa* est celebratus.—(Vita Lud. Pii, p. 104.) Medio mense Octobri conventus generalis apud *Theodonis villam*, magnâ populi *Francorum* frequentiâ celebratur. (Eginhardi Annales, p. 181.) The proceedings of the council, as now existing, do not show that it was held concurrently with this lay assembly. The clergy sought to disunite themselves as much as possible from the laity.

² As "*Wites*" to the King,—or as "*Weres*" to the party or his kinsmen?—This point is uncertain. Fleury is of the latter opinion.—I have considered Louis le Debonnaire and Lothaire as constituting *one* Emperor.

sword of chivalry. Proportionate penances are to protect the inferior orders of the hierarchy: the "*weres*" are increased by additional payments to the ecclesiastical superiors; and, upon the motion of the Archbishop of Mentz, the Bill was presented to the Sovereign and his *fideles* for their approval.

"*Petitio Episcoporum.*"

821.
Proceedings of the Council of Thionville, the Prelates being convened concurrently with the Conventus Populi. A petition presented to the Sovereign, praying for the infliction of penalties and penances upon persons assaulting or slaying the Clergy.

In Concilio apud *Theodonis villam* ubi interfuerunt xxxii. Episcopi, *Aistolfus Magontiensis* Archiepiscopus, cum suis suffraganeis; *Hadabaldus, Coloniensis* Archiepiscopus, cum suis suffraganeis; *Hetto, Trevirensis* Archiepiscopus, cum suis suffraganeis; *Ebbo, Remensis* Archiepiscopus, cum suis suffraganeis; cum nuntiis reliquorum Episcoporum *Galliae et Germaniae*, ob nimiam praesumptionem quorundam tyrannorum in sacerdotes Domini bacchantium, et propter factum quod in *Wasconia* noviter acciderat de Episcopo *Johanne* inhonestè et inauditè mordridato, decretum est, ut communi consensu et humili devotione supplicaretur auribus Principis, si suae pietati complaceret, ut calumnia in Christi sacerdotes peracta juxta synodalia determinaretur pleniter statuta, hoc idem Episcoporum judicio placeret, si ex toto secundum potestatem ipsorum posset definiri, id est, ut canonica ferirentur sententia; hi videlicet qui timorem Domini postponentes, in ministros suos grassare praesumerent. Quòd si verò pietati illius complaceret, juxta capitula regum praecedentium³ ubi eorum provisio misericorditer in offensis pecuniae quantitatem interposuit, pro consolatione Sanctae Ecclesiae, ut praefatae res per pecuniam ab imperatoribus, sacerdotibus ad defensionem concessam, et per poenitentiam determinarentur Episcoporum judicio si pietas illius conlaudare voluerit, sic definiri eis complaceret.

³ Qui Subdiaconum occiderit, trecentos solidos componat; qui Diaconum, quadringentos; qui Presbyterum, sexcentos; qui Episcopum, nongentos; qui monachum, quadringentis solidis culpabilis judicetur. (Cap. Car. Magni, A.D. 803.)

CAP. I.

Si quis subdiaconum calumniatus fuerit, vulneraverit, vel debilitaverit, et convalescerit, quinque quadragesimas sine subditis annis pœniteat, et trecentos solidos cum sua compositione et Episcopalibus bannis Episcopo componat. Si autem mortuus fuerit, singulas supradictas quadragesimas cum sequentibus annis pœniteat et quadringentos solidos cum tripla sua compositione et Episcopalibus bannis triplicibus Episcopo componat.

II.

Si Diaconum calumniatus fuerit et convalescerit, sex quadragesimas sine subditis annis pœniteat, et quadringentos solidos cum compositione sua et Episcopalibus bannis Episcopo componat. Si autem mortuus fuerit, singulas supradictas sex quadragesimas cum sequentibus annis pœniteat et sexcentos solidos cum tripla sua compositione et Episcopalibus bannis triplicibus Episcopo componat.

III.

Si quis Presbyterum calumniatus fuerit et spassaverit, sex quadragesimas sine subditis annis pœniteat, et sexcentos solidos cum triplici sua compositione et Episcopalibus bannis triplicibus Episcopo componat. Si autem mortuus fuerit, duodecim annorum pœnitentia secundum canones ei imponatur, et nongentos solidos cum triplici compositione sua et Episcopalibus bannis triplicibus Episcopo componat.

IV.

Si quis Episcopo insidias posuerit, comprehenderit vel in aliquo dehonestaverit, decem quadragesimas cum subditis annis pœniteat, et Presbyteri occisi triplicem compositionem componat. Si autem casu et non sponte occiditur, cum comprovincialium Episcoporum consilio homicida pœniteat. Si quis autem sponte eum occiderit, carnem non comedat, vinum non bibat omnibus diebus vitæ suæ, cingulum militare deponat, absque spe conjugii in perpetuo maneat.

Aistolfus Magontiensis Archiepiscopus dixit. Si Principibus placuerit aliisque suis fidelibus, rogemus ut conlaudetur et subscribatur. Et conlaudatum est et subscriptum, tam a Principe quàm a ceteris omnibus. (Baluze, I. pp. 624, 628.)

The signature of the Sovereign and the Fideles, obtained as above-mentioned, may have authenticated the document, but no confirmation was imparted; nor was any law enacted by the temporal authority until the following year. In the Conventus held at Tribur⁴, the petitions of the prelates were considered, and, in part, affirmed: that is to say, five articles were constituted or decreed, nearly in the same words, but in a more abridged form; retaining the pecuniary penalties, but not

⁴ A royal palace on the Rhine, near Mentz.

incorporating all the clauses relating to the penances⁵; and those who are familiar with our ancient English parliamentary proceedings will observe, that the constitutions of Louis le Debonnaire bear the same relation to the petition of the prelates, that our ancient Statutes generally do, to the petitions upon which they were founded. A sixth article is added by the Sovereign; the offender who despised the censure of the Church was to become incapable of holding a benefice,—his *allode* was to be seized. If he continued in contumacy during a year, his property became forfeited to the Fisc, and the culprit was kept in custody, or doomed to exile, until he obeyed the ecclesiastical authority.

The question was then put to the assembly whether they were content with these constitutions. Their assent having been then given, the Sovereign and the greater part of the “Principes” of Gaul and Germany attested the act by subscribing their signs; Te Deum was sung, and the assembly was dissolved.

“*Decretum Imperatorium post petitionem Episcoporum.*”

822.
Proceedings of the Con-
ventus held at Tribur.
The Sovereign and his
Fideles give a qualified
assent to the Petitions
of the Clergy, by enact-
ing constitutions of an
import nearly equiva-
lent to the canons.

Placuit nobis et fidelibus nostris, ut sicut ab Episcopis et reliquis sacerdotibus ac Dei servis alio anno apud *Theodonis villam* admoniti fuimus et rogati, ut Episcopi et eorum Ministri, quos Deus suo, non humano, judicio reservavit, juxta sanctorum canonum sanctorumque patrum ac capitularium precedentium Regum coram positorum statuta, et Dei sacerdotes eorumque cooperatores, quorum intercessionibus, supplicationibus Sancta Dei Ecclesia constare videtur, intacti permaneant.

I.

Constituimus ut si quis Subdiaconum calumniatus fuerit et convaluerit, pœnitentia canonica pœniteat, et trecentos solidos Episcopo componat. Et si mortuus fuerit, juxta id quod canones præcipiunt pœniteat, et quadringentos solidos Episcopo componat.

⁵ Fleury says, — “ les mêmes articles furent renouvelés quant aux amendes pécuniaires sans parler de pénitences.” (Hist. Eccl. X. p. 218.)

II.

Si Diaconum quis calumniatus fuerit et convaluerit, pœniteat secundùm canones, et quadringentos solidos Episcopo componat. Si non convaluerit, juxta præcepta synodalia pœniteat, et sexcentos solidos Episcopo componat.

III.

Si Presbyterum quis malè tractaverit et spassaverit, secundùm ejus Episcopi sententiam pœniteat, et nongentos solidos Episcopo componat. Si autem mortuus fuerit, ut synodus dijudicaverit pœniteat, et mille ducentos solidos Episcopo componat.

IV.

Et si quis Episcopo insidias posuerit, comprehenderit, vel in aliquo dehonestaverit, pœniteat secundùm canonum statuta et Presbyteri occisi triplicem compositionem, cum justitiis quæ in superiori capitulo scriptæ et confirmatæ esse videntur, componat.

V.

Si quis per industriam Episcopum occiderit, juxta id quod apud *Theodonis villam* à xxxii. Episcopis decretum est et quod ibi à nobis et à primatibus totius *Galliæ* et *Germaniæ* benigna conlaudatione conlaudatum est et subscriptum, pœniteat, et pecuniam a nobis concessam ecclesiæ viduatæ persolvat.

VI.

Et hoc de nostro adjecimus, ut si quis in his supradictis sanctorum canonum nostrique decreti sanctionibus Episcopis inobediens et contumax extiterit, primùm canonica sententia feriat, deinde in nostro regno beneficium non habeat, et alodis ejus in bannum mittatur; et si annum et diem in nostro banno permanserit ad fiscum nostrum redigatur et captus in exilium religetur, et ibi tam diu custodiatur et constringatur donec coactus, Deo et sanctæ ecclesiæ satisfaciat quod prius gratis facere noluerat.

Et si omnibus vobis ista complacuerint, dicite. Et tertio ab omnibus conclamatum est, *Placet!* Et imperatores et penè omnes *Galliæ* et *Germaniæ* principes subscripserunt, singuli singulas facientes cruces. Et ecclesiasticus ordo Deo et principibus laudes referentes hymnum, *Te Deum laudamus*, decantabant. Et sic soluta est synodus. (Baluze, I. pp. 627, 630.)

Thus, according to the constitution of the Frankish empire, the Clergy, powerful and influential as they were, could not give validity to their determinations, without the aid of the sovereign power.

The prelates assembled in the Council of Meaux, 845⁶,

⁶ Labbe, Concilia, vol. vii. p. 813.

adopted eighty canons, relating to ecclesiastical privileges: many had been already enacted, but they had never been enforced, or had fallen into desuetude. They were to be revived or renewed. As it will appear, from the subsequent transactions, they could only become efficient laws, binding the laity, when confirmed by the Sovereign and the temporal legislature. They were presented to the general Conventus held at Epernay; and the result appears from the rubric or title prefixed to the Capitulary.

Hæc quæ sequuntur capitula excerpta sunt a Domno Rege *Karolo*, et Principibus ejus, ex his capitulis quæ anno 846 ediderunt Episcopi in synodis, *Wenilo* scilicet cum suffraganeis suis, *Guntboldus* cum suffraganeis suis, *Ursmarus* cum suffraganeis suis, *Hincmaro* cum suffraganeis suis, *Amalo* cum suffraganeis suis; et oblata sunt eidem Principi, sicut ipse jusserat, collecta ad relegendum in *Sparnaco*, villa *Remensis* ecclesiæ. Et quia factione quorundam motus est animus ipsius Regis contra Episcopos, dissidentibus Primoribus regni sui ab eorundem Episcoporum ammonitione, et remotis ab eodem concilio Episcopis, ex omnibus illis capitulis hæc tantum observanda et complacenda sibi collegerunt, et Episcopis scripta tradiderunt, dicentes non amplius de eorum capitulis acceptasse quam ista, et ista se velle cum principe observare. (Baluze, II. p. 29.)

The Capitulary then states the titles of the Canons or Petitions which had been accepted, referring to the proceedings of the Council for their tenor, and inserts the whole of those which had been rejected. The feeling which the transaction excited, is strongly expressed in a contemporary chronicle; but there does not seem to be any doubt concerning the legality of the conduct pursued by the temporal authority⁷.

As the Clergy petitioned, so did the People. Thus was the Capitular, exempting the Clergy from military service, also enacted in the general assembly held at Worms.

⁷ *Carolus* apud villam Sancti *Remigii*, *Sparnacum* nomine. contra morem conventum populi sui generalem mense Junio habuit. In quo Episcoporum regni sui pernecessaria admonitio de causis ecclesiasticis ita flocci pensa est, ut vix unquam reverentia Pontificalis Christianorum duntaxat temporibus sic posthabita legatur.

(Annales Bertiniani, Bouquet, VII. p. 64.)

Capitulare octavum anni D CCC III. sive capitula de immunitate Episcoporum ac reliquorum sacerdotum ab expeditionibus bellicis, data WORMATIÆ in generali populi conventu sub finem anni D CCC III.

Capitulary of Worms enacted upon the petition of the "populus." 803.

De generali totius populi supplicatione apud Principem pro sacerdotum causa, ne in hostem aut pugnam pergerent, et quale eis omnibus ex hoc immineat periculum. Ex capitulis Domni Karoli Imperatoris WORMATIÆ generaliter decretis, atque ab omnibus firmatis et cunctis pro lege tenendis contraditis.

The people address their petition in very humble language:

Petitio populi ad Imperatorem.

Flexis omnes precamur poplitibus majestatem vestram, ut Episcopi deinceps, sicut hactenus, non vexentur hostibus. Sed quando vos nosque in hostem pergimus, ipsi propriis resideant in parrochiis, Deoque fideliter famulari studeant, et eorum sacrosancta ministeria canonicè et Deo placitè peragere satagant, atque pro vobis et cuncto exercitu vestro, unà cum omnibus sibi commissis orare viriliter, missasque cantare et letanias atque eleemosynas facere decertent. Ut ergo hæc omnia a vobis et a nobis sive a successoribus vestris et a nostris, futuris temporibus absque ulla dissimulatione conserventur, scriptis ecclesiasticis inserere jubete et inter vestra capitula interpolare præcipite.

The Emperor gives his answer to the petition.

Concessio Domni Karoli Imperatoris ad suprascriptam petitionem.

Omnibus notum esse volumus quia non solùm ea quæ super Episcoporum et Presbyterorum hostium vexationibus et præcibus pro nobis et vobis fieri rogastis, concedere optamus, sed quicquid pro sanctæ Dei ecclesiæ et sacerdotum sive totius populi et vestra utilitate inveneritis concedere paratissimi sumus. Et modo ista, sicut petistis, concedimus. Et quando, vita comite, Deo auxiliante, ad generale placitum venerimus, sicut petistis, consultu omnium fidelium nostrorum scriptis firmare, nostris nostrorumque atque futuris temporibus inrefragabiliter manenda firmissimè Domino amminiculante cupimus. Modo ea quæ generalia sunt, et omnibus conveniunt ordinibus, statuere ac cunctis sanctæ Dei ecclesiæ nostrisque fidelibus ob Dei omnipotentis amorem et recordationem tradere parati sumus; et ad proximum synodalem nostrum conventum ac generale placitum ubi plures Episcopi et Comites convenerunt ista, sicut postulastis, firmabimus. (Baluze, I. p. 406.)

These documents are followed by the "Capitula," framed upon the petition of the people. The whole proceeding

deserves much attention. The principle is exactly that which prevailed in the old English Parliament,—the People ask,—the King assents, with the advice of his Council.

Importance of these examples in connecting the legislation of the Roman empire with the proceedings of the Parliaments, &c. of the middle ages. (p. 365.)

These examples possess great interest, because they stand midway between the Petitions and Postulations of the provincial assemblies of the Roman empire; and the equivalent proceedings in the legislative or remedial assemblies of the middle ages. In all these, we find exactly the same form.—In the States-General of France, the Cahier is presented to the Sovereign. In the Cortes of Castille, the law is obtained upon the Prayer of the members^a; and in England, as it is hardly necessary to mention, the Petition presented to the King is, very few cases excepted, the foundation of the statute or law.

Objections to the deductions drawn from the foregoing examples.

It will perhaps be said, that I lay too much stress upon a few isolated examples. To this I reply,—

^a An extract from the Quaderno of the Cortes, held at Medina del Campo, 1343, will show the ordinary course of legislation in the Peninsula.

Sepan quantos este Quaderno vieren, como Nos D. FERNANDO por la gracia de Dios, Rey de *Castiella*, de *Toledo*, de *Leon*, de *Gallicia*, de *Sevilla*, de *Cordova*, de *Murcia*, de *Jahen*, del *Algarve*, è Sennor de *Molina*; estando en las Cortes, que agora ficimos en Medina del Campo, seyendo y conmigo la Reyna Donna *Maria* mi Madre è el Infante D. *Johan* mi Tio, è mis Hermanos el Infante D. *Pedro*, è el Infante D. *Felipe*, è D. *Gonzalo* Arzobispo de *Toledo*, è D. *Alfonso* Obispo de *Astorga*, è D. *Alfonso* Obispo de *Coria*, è D. *Johan Nunnes* mi Adelantado Mayor en la frontera, è D. *Pedro Ponce* mi Mayordomo Mayor, è D. *Garcia Lopez*, Maestre de *Calatrava*, è otros Ricos-Omes, è Abades, è Omes de Ordenes, è Infantes, è Cavalleros, è otros omes bonos de los Regnos de *Castiella* è de *Leon*, è de las *Estremaduras*, è del Regno de *Toledo*: Los Cavalleros, è los omes bonos que vinieron a estas Cortes por Personeros de los Conceios de las Cidades, è de las villas de las *Estremaduras*, è del Regno de *Toledo*, veeendo que era servicio de Dios, è prò de toda la tierra, pidieron Nos estas cosas, que aqui son dichas. E Nos vistas las cosas que nos piederon, libramosgelo en esta guisa.

I. Primeramente, à lo que Nos pidieron que rescivien muchos agraviamientos de Infantes, è de Ricos-Omes, è de otros omes poderosos, lo uno que les tomaban yantares; è lo al, que pleyteaban los Logares por quantias ciertas de dineros, è que les tomaban lo que les fallaban: Tenemos por bien quanto en lo pasado de lo saber, è facerlo enmendar. (From the edition of Asso y del Rio, pp. 18, 19.)

I. It must not be supposed that in the Capitularies, as they appear in the pages of Baluze, we have the whole, or any thing approaching to the whole, of the statutes enacted by the Carolingian legislature. It was the object of the transcriber merely to preserve such matter as was required for ordinary use in the Mallum, or in the Conventus, or in the Synod. The greatest number of the capitulars stand without any *introduction* or *recital* of previous proceedings. These were not required in practice. It was sufficient to furnish an authentic copy of the mandatory part of the law. The Petition or Suggestion which gave rise to the "constitution," was of as little importance to the Chancellors and Notaries of the empire, as the votes of the Commons are to the practitioner of the present day, after the Bill has gone through both Houses and obtained the royal assent, and appears in the statutes at large. It may be conjectured that, if we possess the *details* concerning the capitulars of Tibur and Epernay, it was because *they* were exceptions to the general course. A rejection, or even a modification, of the requests preferred by the Clergy, would be a matter of rare occurrence. And the same indignation which prompted the monk to exclaim against the affront offered to the prelates, would equally dictate the special record of these injurious transactions. With respect to the petition presented by the "Populus" in the Conventus at Worms, we probably owe the preservation of this most important document to the Clergy's wish that their immunities should appear to be secured, not at their own request, but by the good will and seeking of the laity; or, if this supposition be considered as untenable, we may suppose that the petition was retained merely by the accidental diligence of the compiler. Instead of commencing "*Volumus ut nullus sacerdos in hostem pergat*," he began his copy from the top of the page, and inserted the whole of the act which he had before him.

Answers to such objections.

Frequent practice of the ancient transcribers to omit the formal or introductory parts of legislative proceedings, as being of no practical use.

Legislation upon petition, not the only mode.

II. It will be recollected, that "legislation upon Petition" was only one of the modes of enactment, and, possibly, the mode least often called into action. The greater share of legislation belonged to the Sovereign; and, in the reign of Charlemagne, he would generally anticipate his subjects in discovering causes for the amendment of the law. Therefore, this is not a case in which the paucity of examples should lead us to consider the practice as out of the settled constitutional course: it might be unusual, but it was not, therefore, extraordinary.

Paucity of early examples of legislation upon petition, compensated by the universality of the practice at a later period.

III. Such paucity of early examples is amply compensated by the universality of the practice in a subsequent period. As I have before observed (p. 365), had not this mode of legislating proceeded from a common source, it is hardly possible to account for the general uniformity which we find in the several members of the Roman empire.

LEGISLATION OF THE DEPENDANT NATIONS.

THE main principle of this legislation is enounced in the celebrated Edict apud Pistas, A.D. 864, *Lex consensu populi fit, et constitutione Regis* (Baluze, II. 178.)

The "Constitution" of the King, which he had framed by the advice of his Fideles, was transmitted by the Missi to the people in the Mallum. This assembly was composed of the Bishops and Abbots, or their Visdames, the Comites, the great Landlords, and the King's Vassi, and the Scabini representing the several Pagi of which the land was composed; and, in some parts of the empire, these same functionaries were equally the representatives of the municipal communities. The prelates, such as were the King's Vassi, attended by virtue of a special writ of summons: the Vassi of the Count followed their Senior: the Scabini were elected; and the acceptance of the capitular by the Mallum rendered it a law. All these particulars appear so clearly from the following texts, as not to require any further corroboration or argument¹.

Legislation of the dependant nations—how exercised in the Mallum before the Missi or Royal commissioners. (see p. 112.)

*Vult dominus Imperator ut in tale placitum quale ille nunc jusserit, veniat unusquisque Comes, et adducat secum duodecim Scabinos, si tanti fuerint. Sin autem, de melioribus hominibus illius comitatus suppleat numerum duodenarium.**

Twelve Scabini to attend each Comes to the Placitum.

(Cap. Lud. Pii, addita ad Legem Salicam, II. 2, A.D. 819,—Baluze, p. 606.)

¹ For the writs of summons, see I. 1, 2, 3. It is probable that the composition of the Mallum would be varied by local customs. In a Lombard Mallum, 877, the Scabini and Notarii of two cities are noticed as members. (Agobardi Op., App. p. 135.—See also II. 1, 2, pp. cccxxx. &c., and cccxxxii. &c., and p. cxciv. No. 2.)

* In a subsequent law, three or four of the principal Scabini are said to be sufficient. Itaque volumus ut medio mense Maio convenient iidem Missi, unusquisque in sua legatione, cum omnibus Episcopis, Abbatibus, Comitibus, ac Vassis nostris, advocatis nostris, ac Vicedominis Abbatissarum, necnon et eorum qui propter aliquam inevi-

Scabini elected by the people.

Ut Missi nostri ubicunque malos Scabineos inveniunt, eiciant, et totius populi consensum loco eorum bonos eligant. Et cum electi fuerint, jurare faciant ut scienter injustè judicare non debeant. (Cap. Wormatiense, A.D. 829, II. 2.)

Capitula framed by the Sovereign with the advice of this Council.

Volumus etiam ut capitula quæ nunc et alio tempore *consultu nostrorum fidelium* à nobis constituta sunt, à Cancellario nostro, Archiepiscopi et Comites eorum, de propriis civitatibus modo, aut per se aut per suos Missos accipiant: et unusquisque per suam diocesim ceteris Episcopis, Abbatibus, Comitibus, et aliis fidelibus nostris ea transcribi faciant, et in suis Comitibus coram omnibus relegant, ut cunctis nostra ordinatio et voluntas nota fieri possit.

(Cap. Lud. Pii, A.D. 823, § 24,—Baluze, I., p. 640.)

Assent of the People required by the Capitula.

Ut populus interrogetur de capitulis quæ in lege noviter addita sunt. Et postquam omnes consenserint, subscriptiones et manufirmationes suas in ipsis capitulis faciant.

(Cap. III. A.D. 803, § 19.)

803. Example of the promulgation of a law in the Mallum of the Franks held at Paris.

(see p. 113.)

Incipiunt capitula quæ in Rège Salica Dominus Augustus *Karolus*, anno ab Incarnatione Domini nostri, Jesu Christi, 803, imperii vero sui anno tertio præponendo addere jussit.

Hæc sunt capitula quæ Domnus *Karolus Magnus* Imperator jussit scribere in *consilio* suo et *jussit* eas ponere inter alias leges... Anno tertio clementissimi Domni nostri *Karoli Augusti*, sub ipso anno, hæc facta capitula sunt, et consignata *Stephano* Comiti ut hæc manifesta faceret in civitate † Parisius mallo publico, et illa legere faceret coram *Scabineis*, quod ita et fecit. Et omnes in uno *consenserunt* quod ipsi voluissent omni tempore observare usque in posterum. Etiam *omnes Scabinei, Episcopi, Abbates, Comites, manu propria subter signaverunt.*

(Baluze, I. pp. 390, 391.)

Capitulum read before the Scabini.

We can have little doubt but that such a promulgation and enactment took place in each of the Assemblies, however they might be designated, of the different dependant nations. That few notices of the actual acceptance of capitularies are preserved, may be accounted for, by recollecting that there was no central repository or record-office into which the writs were

tabilem necessitatem ipsi venire non possunt, ad locum unum. Et si necesse fuerit, propter opportunitatem conveniendi, in duobus vel tribus locis, vel maxime propter pauperes populi, idem conventus habeatur, qui omnibus congruat. Et habeat unusquisque Comes, Vicarios et Centenarios suos: necnon et de primis Scabineis suis tres aut quatuor. (Cap. A.D. 823, § 28,—Baluze, I. pp. 642, 643.)

It is impossible to explain the causes of these minute variations, nor are they of any consequence, since they do not affect the main principle.

† Sic.

returned, after the capitular had been confirmed by the people, and that, as I have before observed, the transcribers always sought brevity. They consulted the convenience of their contemporaries, and not the curiosity of posterity. One example of such abridgement can be distinctly pointed out. In the Capitula of Thionville, A. D. 820, Louis le Debonnaire declares, “generaliter omnes admonemus ut capitula quæ præterito anno legi Salicæ per *omnium consensum* addenda ipse censuimus, jam non ulterius *capitula*, sed tantum *lex* dicantur, immo pro lege teneantur.” (Baluze, I. 623.) Now the Capitula alluded to are those entitled “De Interpretatione Legis Salicæ,” or the “Capitulare tertium anni 819.” (Baluze, II. 607.) In these, as they now exist, there is no notice of the assent of the Franks or Salians, the facts being only collected from the subsequent recital.

The same conventions which took place before the Missi, the representatives of the Monarch, could, of course, be held before the Sovereign himself. When the law was to be accepted by the Franks or Salians, this may have been often the case,—more seldom, probably, with the other nations. But the Capitulare Saxonum was thus enacted at Aix la Chapelle, A.D. 797.

Conventions of the dependant nations held in the presence of the Sovereign.

Anno ab Incarnatione Domini nostri Jesu Christi DCCXCVII. regnante Domno *Karolo* præcellentissimo Rege, convenientibus in unum Aquis palatio, in ejus obsequio venerabilibus Episcopis et Abbatibus, seu illustribus viris Comitibus, v. *Kalendas* Novembris, simulque congregatis *Saxonibus de diversis pagis*, tam de *Vestfalahis* et *Angrariis*, quàm et de *Oostfalahis*, omnes unanimiter consenserunt et aptificaverunt ut de illis capitulis pro quibus Franci, si Regis bannum transgressi sunt, solidos sexaginta componunt, similiter Saxones solvent, si alicubi contra ipsos bannos fecerint. (Baluze, I. p. 275.)

797.

Conventus of Aix la Chapelle. Saxons assent to certain Capitulars.

Saxons appearing from and for the several Pagi.

In the fifth chapter "De compositione secundum legem Saxonum," the assent of the Saxons only is expressed,—*"placuit omnibus Saxonibus."* The tenth, *"de banno augendo,"* provides that the King may increase the Fyrdwite *"una cum consensu Francorum et fidelium Saxonum."* It is hardly necessary to observe, that the Saxons of *Westphalia*, *Ostfalia*, and *Angria*, or *Engern*, could only appear by deputation at Aix la Chapelle; and it probably mattered little whether these deputies were the hereditary Aldermen of the Pagi, or the elected Scabini.

Thus convened, the People also might petition, either for new laws, or for the confirmation of those which existed. This is shown by the seventeen "Leodkesta" of the ancient Frisic code. I add the first petition in the Latin as well as in the Frisic text³, without attempting to decide which is the original.

Petitio I. Hec est prima petitio et *Karoli* Regis concessio omnibus Frisonibus, quod universi rebus propriis utantur, quamdiu non demeruerunt possidere.

Thet is thiū forme Liodkest and thes Kyning Kerles ieft and Londriuch allera Frisona, thet allera monna ek an sine gode bisitte alsa longe sa hit unforwrocht hebbe.

Legislation, how exercised by the dependant Sovereigns.

Legislation was exercised by the dependant chieftains, as appears from the Decrees enacted by Tassilo.

772.
Tassilo's enactment.

Regnante in perpetuum Domino nostro Jesu Christo, in anno vero xxii. regni religiosissimi Ducis *Tassilonis* gentis *Baioariorum*, sub die consulum, quod erat ii. id. Octobr. atque anno ab Incarnatione Dominica DCCLXXII., Indict. x., divina perflatus inspiratione, ut omne regni sui prænotatus Princeps collegium procerum coadunaret, in villam publicam *Dingolwingam* nuncupatam, &c. (Lindenbrog, p. 439.)

³ Wiarda's invaluable edition of the "Asega Buch," p. 12. The learned editor derives *Kest* from *Keasa* (Frisic.), *Keosa* (Isl.), *Cysan* (Ang.-Sax.), softened, in modern English, into "*chuse*." The *Leodkest* is the law chosen by the people, and then presented to the sovereign.

This enactment is principally directed against the ancient superstitions, or heathenish practices, prevailing amongst the Bavarians.

Under the third race, the legislation heretofore exercised by the dependant nations in the Mallum reappears. It is now vested in the *States* of the feudal dependancies. Such is Geoffrey Plantagenet's Assize, enacted upon the *Petition* of his Bishops and Barons, and altering the canon of succession in the Fiefs of Armorica (III. 1), a document of great importance, both in itself, and as elucidating the progress of the English law. Of the same nature and class is the Ordinance of the Countess of Troyes, or Champagne (III. 2.) Upon these documents I shall only observe, that they may be considered in some measure as the counterparts of Tassilo's statute.

Legislation under the third race. Examples thereof,—1185, *Assize* of Geoffrey Plantagenet, Duke of Brittany.—1212, *Establishment* of Blanche, Countess of Troyes. (pp. cccxxxv. and cccxxxvi.)

In the County of Toulouse, the constitutional members of the States or Parliament are enumerated in the preambles of the ordinances of Simon de Montfort (1212), and of Raymond Berenger (1233). In neither of these, are the representatives of the towns expressly mentioned, but they are implied in both, and they appear by name in the Council convened before the Papal Legate (IV. 3), at the time when Raymond, the reconciled heretic, had just been recalled to his authority, but which was evidently the usual legislature of the country. In the domain of the King of France we find (1262) a representation of the Burgesses by twelve Jurats⁴, evidently deduced either from the ancient duodenary courts in general, or from the institution

Estates of the County of Toulouse. Simon de Montfort's Parliament,

1262. Ordinance of Chartres confirmed by Twelve Burgesses—a representation deduced, either from the ancient duode-

⁴ Three from Paris, three from Provins, two from Orleans, two from Sens, and two from Laon.

Facta fuit hæc ordinatio *Carnoti*, Anno Dom. 1262, &c. . . . cui faciendæ interfuerant jurati *Clemens de Visilia*, *Joannes dictus Rigidus*, *Johannes Herman*, Cives *Parisienses*; *Nicolaus de Castello*, *Guarinus Fernet*, *Jacobus Fris*, Burgenses *Pruvinnenses*; *Johannes de Lori*, *Stephanus Morin*, Cives *Aurelianenses*; *Evrardus Malori*, *Johannes Parergini*, Cives *Senonenses*; *Robaille de Claustro*, *Petrus de Moncellis*, Cives *Laudunenses*. (Ordinances, I. 94.)

nary Courts (see Cap. III.) or from the attendance of the Scabini.

(p. cccxxxvi. No. 3.)

Estates of the Seneschaussée of Carcassone, deduced from the Mallum of the Carlovingian Empire.
(pp. cccxxxviii. &c.)

1254.

(p. cccxxxviii.)

Statute grounded upon the Petition of the People,—a Leodkest.

Opinions concerning the absence of a central legislative power in the French Monarchy, erroneous in their tendency,

of the Scabini; and this was probably not a solitary instance, but the usual practice, though unnoticed in the other ordinances. The omission of the enacting parts of the monuments of ancient legislation, is a fact recurring at every stage of these inquiries. In the *Latin* copy of the Ordinances of Pamiers, first published by Martene, the Benedictine, the preamble is omitted, and there is no notice whatever of the Parliament. For anything that appears to the contrary on the face of that copy, the Ordinances were made by the uncontrolled authority of Simon de Montfort; and the information, so important to us, is derived from an old *French* translation of an unmutilated or unabridged text. I call the attention of the reader to this circumstance in further proof of the observations above made, concerning the omissions of the formal parts of legislative proceedings.

Perhaps the evidence best enabling us to deduce the history of legislation, is found in the example of Carcassone. (III. 5 & 6.) Here the “Mallum” of the Carlovingian county (II. 3) distinctly reappears under the name of the “Estates” of the Capetian Seneschaussée. The Ordinance of St. Louis, considered by the historians of Languedoc as creating the Provincial States (III. 4), is, in truth, the fullest recognition of their previous existence and authority. It is a remedial statute, grounded upon the Petition of the People. A grievance has been sustained by the act of the Sovereign, and he declares that, in future, his prerogative shall not be exercised without the assent of the legislature. The Three Estates are not instituted by the ordinance: but St. Louis concedes that, in a particular case, a power which had been hitherto exercised by the irresponsible authority of the Sovereign, shall be submitted to their advice and control.

It is observed by Hallam, that, “excepting a few instances, it does not appear that the Kings of the House of Capet acted according to the advice and deliberation of any national assembly,

such as assisted the Norman Sovereigns of England; nor was any consent required for the validity of their edicts, except that of their ordinary council, chiefly formed of their household officers and less powerful vassals. This is at first sight very remarkable,—for there can be no doubt that the government of Henry I. or Henry II. was incomparably stronger than that of Louis VI. or Louis VII. But this apparent absoluteness of the latter was the result of their real weakness, and the disorganization of the monarchy. The Peers of France were infrequent in their attendance upon the King's Council, because they denied its coercive authority." (Hallam, p. 174.)—In this opinion he follows Mably.—

the writers holding such opinions not having adverted to the powers it possessed by the Legislatures of the several dominions known by the collective name of France.

J'ai dit, en parlant du gouvernement féodal en France, que *sur la fin de la seconde race et sous les premiers Capétiens, il n'y eut point d'assemblée de la nation en qui résidât la puissance publique, et qui eût droit de faire des lois auxquelles chaque seigneur fut obligé d'obéir.* La foi et l'homage entre les suzerains et leurs vassaux, tous vrais despotes dans leurs terres, étoient les seuls liens qui les unissent. Cependant pour *suppléer*, autant qu'il étoit possible, à cette puissance publique dont on sent toujours la nécessité, les seigneurs qui avoient quelques affaires communes, *imaginèrent* de s'assembler dans un lieu commode dont ils convenoient, et prirent l'habitude d'inviter leurs amis et leurs voisins à s'y rendre, pour délibérer de concert sur leurs prétensions, et la manière dont ils se comporteroient.

Ces espèces de congrès, qu'on tint assez souvent à l'occasion des croisades, des entreprises du clergé, etc., se nommoient alors Parlemens, parce qu'on y parlementoit. Il faut se garder de confondre ces assemblées avec la cour de justice du Roi, qu'on ne commença à nommer Parlement, que vers le milieu du treizième siècle (Voyez le traité des fiefs de Brussel, p. 321.)

Les seigneurs qui tenoient les assises ou les plaids du Roi, profitant de l'occasion qui les rassembloit pour conférer ensemble sur leurs affaires communes ou particulières, ainsi qu'ils avoient coutume de faire dans les assemblées, ou congrès, dont je parle, on s'avisa de se servir du mot de Parlement, pour désigner la cour de justice du Roi, et bientôt ce nom lui fut attribué privativement, soit parce que la cour du Roi formoit une assemblée plus auguste et plus importante que les autres, soit parce qu'elle s'assembloit régulièrement plusieurs fois l'année, et que les autres assemblées n'avoient, quant à leur convocation et tenue, rien de régulier et de fixe.

C'est dans le sens de congrès que Villehardouin emploie le mot de Parlement, ainsi qu'on en peut juger par les passages suivans. "Après pristrent li Baron (qui étoient croisés) un parlement a Soissons, pour savoir quand il voldroient movoir, et quel part il voldroient tourner. A celle foix ne se porent accorder, porce que il lor sembla que il n'avoient mie encore assés gens croisié. En tot cet an 1200 ne se passa onques deux mois, que il n'assemblassent a parlement a Compeigne en qui furent tuit li Comte et li Baron qui croisié estoient (art. 10), pristrent un parlement al chief del mois a Soissons per savoir que il pourroient faire. Cil qui furent li Cuens Balduin de Flandres et de Hennaut, et li Cuens Loeys de Blois et de Chartrain, li Cuens Joffroy del Perche, li Cuens Hues de S. Pol et maint autre preudome (art. 20.)

Les parlemens ou congrès ne faisoient point partie du gouvernement féodal. Quelque seigneur que ce fut, étoit le maître de les proposer, et s'y rendoit qui vouloit. On convenoit quelquefois dans ces assemblées de quelques articles qui n'obligeoient que ceux qui les avoient signés : c'étoient des conventions ou des traités de ligue d'alliance ou de paix, et non pas des lois.

I have made these long extracts (Mably, II. pp. 373 to 376), in order that it may be seen how the characteristics, which are sought in vain in the "Monarchy" of *France*, are to be found in the legislatures of the dominions denominated by that *collective* name. And, indeed, it is marvellous how Mably, with La Vaissette upon his shelves, could assert that, in the reign of Philip le Bel, "les François, plongés dans la plus profonde ignorance, n'avoient aucune idée de la forme que doivent avoir des assemblées nationales, ni de la police régulière qui doit en être l'ame pour les rendre utiles. Ils ne savoient peut-être pas qu'il y eut un Charlemagne, et certainement ils ignoroient l'histoire de nos anciens Champs de Mars et de Mai." (II. 123.)

The Assembly of Carcassone was as truly a national assembly for that ancient County, as the Parliament of Scotland or of England. Whether the three orders of Carcassone knew much or little about the *Champ de Mai*, is foreign to the purpose. But it may be asked, whether the Abbé was not more inexcusably ignorant of matters which he was bound to know. It is amusing to see all the elaborate theories concerning the supposed *motives* which induced Philip le Bel to introduce the Deputies of the Tiers Etat into the States-General in 1302, at once demolished by the production of the record. The States-General necessarily took into them all the elements of which the Provincial States are composed. The appointment of Deputies for the Towns, instead of their Magistrates, was mere matter of arrangement.

The Consuls of Albi* were, perhaps, detained by the affairs of the town, and therefore they appeared at Beziers by their Procurators; and when an assembly was appointed to meet for all France, such a practice would be adopted, not only for the convenience of the distant towns, but in order to keep the numbers of the assembly within moderate bounds. Municipal

Representation of towns—
I. First appearing by their Magistrates, or governing classes or bodies. II. Next, by Deputies, appointed by such Magistrates, or governing classes.—
III. Lastly (in some cases), by Deputies elected by the body of freemen, &c.

* See p. ccccxli, &c.

bodies seem, in the first instance, to have appeared by their Magistrates, or *governing bodies*. In the next stage, Deputies were appointed by such Magistrates or governing bodies. Delegates, appointed or elected by the inhabitants, corporators, or burgesses at large, constituted the last stage.

I.

WRITS OF SUMMONS TO THE GENERAL CONVENTUS, OR TO THE MALLUM,
FORMATION OF THE GENERAL CONVENTUS, &c.*

(1.)

A recital of a writ of summons to a General Conventus is preserved in the epistle addressed by Hincmar and the other Bishops of the province of Rheims and Rouen to Louis King of Germany, A.D. 858.

Writ of Summons to a
General Conventus to
be held before the King.

Litteras dominationis vestræ, quique nostrum habuimus, quibus jussistis ut vobis vii. Kalendas Decembris, Remis occurreremus; quatenus ibi nobiscum et cum cæteris fidelibus vestris de restauratione sanctæ ecclesiæ et de statu ac salute populi Christiani tractaretis. Sed nos ad placitum illud occurrere non potuimus, et propter incommoditatem et brevitatem temporis et propter inconvenientiam loci, et quod lugubrius est, propter confusionem tumultûs exorti, &c. (Bouquet, VII. p. 519.)

* I add examples of our English writs, in order to bring before the reader the general resemblance of the proceedings. They should also be compared with the writs of summons addressed to the members of the States of Carcassone.

Rex venerabili in Christo Patri *W. Eborum* Archiepiscopo salutem. Mandamus vobis rogantes, quatenus sicut nos et honorem nostrum pariter et vestrum diligitis, et in fide qua nobis tenemini, omnibus aliis negociis omissis, sitis ad nos, apud *London'*, a die Sancti *Hillarii* in xv. dies, ad tractandum nobiscum, una cum cæteris magnatibus nostris, quos similiter fecimus convocari, de arduis negociis nostris, statum nostrum et totius Regni nostri specialiter tangentibus: et hoc nullatenus omittatis. Teste Rege apud *Windleshore*, xiiii. die Dec. (26 Hen. III.)

Rex dilecto et fideli suo *Ricardo de Burgo*, Comiti *Ulton.* salutem, &c.
ad hæc, quia dilecto et fideli nostro *Johanni Wogan*, Justiciario nostro *Hiberniæ* super isto negocio nostram mandavimus voluntatem, vobis ex parte nostra vivæ vocis oraculo plenius referendam, vos rogamus quatenus eidem *Johanni* in hiis quæ vobis dixerit in hac parte fidem plenariam præbeatis, et ea in omnibus faciatis et compleatis, secundum quod vos ex parte nostra duxerit requirendossuper quibus vestrum responsum per eundem justiciarium remandetis. Et hoc sicut nostri et totius Regni nostri commodum et honorem diligitis, et de fidelitatis vestræ constantia confidimus, nullatenus omittatis. Teste Rege apud *Plympton*, quarto die Maii.

(25 Ed. I.)

(2.)

In nomine Domini Dei et Salvatoris nostri Jesu Christi, *Hludovicus* divina ordinante providentia Imperator Augustus. *G.* Comiti. Notum sit tibi, quia volumus ut, quando hæc Epistola nostra ad te venerit, statim sine ulla dilatione præpares te ad hoc, ut xv. Kal. Januarii, id est, vi. diebus ante Natale Domini, obviam Misso nostro *H.* venias, in villa nostra quæ dicitur *Heilambrunno*: et quicquid ille tibi de verbo nostro simul cum aliis Comitibus et fidelibus nostris ad faciendum injunxerit, facere studias, et taliter exinde agas, qualiter in tua fidelitate bonam habemus fiduciam. Bene vale.

(Bouquet, VI. p. 373.)

Writ of Summons to a Mallum to be held before the Missus. (Compare with the writ to Richard de Burgh, in the preceding note.)

(3.)

Magnifico et honorabili atque inlustri viro *N.* glorioso Comiti *Eghinhardus* æternam in Domino salutem. Domnus Imperator mandavit per *Dagolfum* venatorem ut *N.* Comes faceret convenire ad unum locum illos Comites qui sunt in *Austria*, id est, *Hattonem*, et *Popponem*, et *Gebehardum*, et cæteros socios eorum, ut inter se considerarent quid agendum esset, si aliquid novi de partibus *Bajoariæ* fuisset exortum. Tunc visum est illis bene esse, ut et tu et *Atto* in eodem placito fuissetis. Ideò rogant vos ut consideretis, atque illis mandetis in quali loco videatur aptissimum esse illis conloquium. Nam *H.* videtur, ut hoc bene esse possit. (Bouquet, VI. p. 384.)

Certain Comites of Austria summoned by the Writ of the Emperor. They think it necessary that two others shall be present in the Placitum, and a precept is issued accordingly.

(4.)

Imperator verò peracta autumnali venatione, trans *Rhenum* hiematum ad *Frankonofurt* profectus est: ibique generali Conventu congregato, necessaria quæque et ad utilitatem *Orientalium* Regni sui finium pertinentia, more solemnem cum Optimatibus, quos ad hoc evocari jusserat, tractare curavit. In quo conventu omnium *Orientalium Sclavorum*, hoc est, *Abotritorum*, *Soraborum*, *Wilsorum*, *Behemannorum*, *Maruanorum*, *Predenecentorum*, et in *Pannonia* residentium *Avarum*, Legationes cum muneribus ad se missis excepit. Fuere in eodem Conventu et Legationes de *Nordmannia* tam de parte *Heriholti* quam filiorum *Godefridi*. Quibus omnibus auditis, atque dimissis, ipse in eodem loco, constructis ad hoc necessariis ædificiis novis, quemadmodum secum statuerat, hiemavit.

822.

General Conventus held at Frankfort.

DCCCXXIII.

Mense Maio Conventus ibidem habitus est, in quo non universæ *Franciæ* primores, sed de *Orientali Francia* atque *Saxonia*, *Bajoaria*, *Alemannia*, atque *Alemanniæ* contermina *Burgundia*, et regionibus *Rheno adjacentibus* adesse jussi sunt. In quo inter ceteras barbarorum Legationes, quæ vel jussæ, vel sua sponte venerunt, duo fratres, Reges videlicet *Wilsorum*, controversiam inter se de Regno habentes, ad Imperatoris præsentiam venerunt, quorum nomina sunt *Meligastus* et *Celeadragus*. Erant enim filii *Liubi* Regis *Wilsorum*. Qui licet cum fratribus suis Regnum suum divisum teneret, tamen propterea quod natu major erat, ad eum totius Regni summa pertinebat. Qui ubi commisso cum *Orientalibus Abotritis* prælio cecidisset, *Wils* filium ejus *Meligastum*, qui major erat, Regem sibi constituunt. Sed cum is secundum

823. Conventus held at Frankfort, composed of the "Primores" of East France, Saxony, Bavaria, "Alemannia," Burgundy, and the parts adjoining the Rhine, who are commanded to attend.

Meligast and Celeadragus, sons of Liubi, a King of the Wilzi, (or Slavonia Orientalis.) Meligast, the elder son, who had been appointed King, deposed, because he did not govern to the

satisfaction of the nation, and Celeadragus appointed in his stead.— They are both summoned to appear before the Emperor, who, when he understands that the younger is the more agreeable to the people, confirms him in his authority.

Ceadragus, Prince of the Abotriti, accused of having violated his fealty towards the Franks. Ceadragus promises to repair to the presence of the Emperor in the ensuing winter season.

Another Conventus agreed upon, to be held at Compeigne.

Ceadragus, accompanied by some of the "Primores" of his nation, appears before the Emperor, in the Placitum or Conventus at Compeigne, and justifies his conduct.

ritum gentis, commissum sibi Regnum parum dignè administraret, illo abjecto, juniore fratri regium honorem detulerunt. Quam ob causam, ambo ad presentiam Imperatoris venerunt. Quos cùm audisset, et gentis voluntatem proniorem in junioris fratris honorem agnovisset, statuit ut is delatam sibi à populo suo potestatem haberet. Ambos tamen muneribus donatos, et sacramento firmatos, in patriam remisit. Accusatus est in eodem placito apud Imperatorem *Ceadragus, Abotritorum* Princeps, quod se erga partem *Francorum* parum fideliter ageret, et ad Imperatoris præsentiam jam diu venire dissimulasset. Propter quod ad eum Legati directi sunt. Cum quibus ille iterum quosdam ex primoribus gentis suæ ad Imperatorem misit, perque illorum verba promisit se ad *proximum hyemis tempus ad illius præsentiam esse venturum.*

In eodem Conventu locus et tempus alterius Conventus habendi indicta sunt, *Novembris* videlicet mensis, et *Compendium* Palatium. Peracto itaque placito, et dimissis Proceribus, cum Imperator jam inde digredi statuisset, &c.

Ceadragus, Abotritorum Princeps, pollicitationibus suis fidem adhibens, cum quibusdam primoribus populi sui *Compendium* venit; dilatique per tot annus adventus sui rationem coram Imperatore non improbabili reddidit. Qui licet in quibusdam causis culpabilis appareret, tamen propter merita parentum suorum non solum impunitus, verum muneribus donatus ad Regnum redire permissus est.

(Eginhard. Ann. Bouquet, VI. pp. 183, 184.)

(5.)

A. D. 823.

Meligast and Celeadragus take the oath of fealty to Ludovicus Pius.

In eadem villa, *Franconoford* scilicet, Imperator hieme exacta, Maio mense Conventum habuit *Australium Francorum, Saxonum*, aliarumque eis collimantium gentium. In quo duorum fratrum certamen, quod de Regno magna altercatione inter se vertebant, congruo fine diremit. Erant autem *Wilzi* genere, filii *Liubi* quondam Regis: nomina eorum fuere, *Mileguastus* et *Celeadragus*; quorum pater *Liubi* dum *Abodritis* bellum indixisset, ab eis interemptus est, et regnum primogenito contraditum. At hic cum nimis segniorem se, quam res poscebat, in regni administratione exhiberet: circa junioris honorem favor populi declinavit. In qua altercatione ante præsentiam Imperatoris venientes, requisita atque reperta voluntate populi, junior quidem Princeps est declaratus: ambos tamen Imperator muneribus amplis donatos, et *sacramentis devinctos*, et inter se et sibi dimisit amicos.

(Vit. et Act. Ludov. Pii Imp., Bouquet, VI. p. 105.)

II.

THE MALLUM OR PLACITUM—DOCUMENTS RELATING THERETO.

(1.)

Between 824 and 851. Armorican Mallum held before Gralon or Graelent the Mactiern, &c. and the Missus of Nominoe, the King or Prince of Brittany.

Conwoion Abbas venit in *Lis-celli* in placito publico ante *Gradlon Mactiern* et ante *Portitoë*, et *Ratuili*, et *Catloiant*, et *Jarnuocon* filius *Worwili*, et ante *Jouvoion* missus *Nominoë* et multos alios nobiles viros, et interpellavit *Merchrit* eo quod hæreditatem *Rethwobri* per vim retinebat, &c., *Merchrit* eam reddidit *secundum judicium*

scabinorum, quorum hæc sunt nomina. *Hitin. Franwal. Wolethæc. Drihican*, etc. Judgment given by the
Nominoë, Principe in *Britannia. Mainone* Episcopo. *Gradlon Mactiern*, etc. Scabini.
 (Lobineau, II. p. 69.)

For the proceedings in another British Mallum, see p. exciv., No. 2.

These documents are very singular, since they show that the Frankish or Teutonic Scabini had been introduced into Armorica: but I must leave it to the Cymric antiquaries to determine whether any analogous institution may have existed previous to the subjugation of the country. *Nominoë* had his Missus in imitation of Charlemagne.

(2.)

Extract from the record of a Mallum of the County of Carcassone, held at Ausonne, A.D. 918.

Cum in Dei nomine resideret ARIDEMANDUS Episcopus sedis *Tolosæ* civitatis, cum viro venerabili *Bernardo* qui est Missus advocatus *Raymundo* Comite *Tolosæ* civitatis et Marchio, per consensu *Odone* Comite genitore suo, una cum Abbatibus, Presbyteris, *Judices, Scaphinos, et Regimbargos**, tam *Gotos*, quam *Romanos* seu etiam et *Salicos* qui jussis causam audire, dirimere, et legibus definire; id est, *Donadeus* Monachus, *Bellus* Monachus, *Amelius* Monachus; *Adalbertus, Jodolenus, Donatus, Rumaldus*, item *Donatus, Judices Romanorum; Eudegarius, Aicobrandus, Radulphus, Hugo*, Judici *Gothorum; Oliba, Rotgarius, Aïmenradus, Johannes, Aïmo, Arloinus, Arimares, Aïlenus, Judices Salicorum*. Sive et in præsentia *Autario, Adalardo, Olibano, Arnulfo, Ugberto, Hugone, Gairaldo, Ossendo, Bellone, Baldefredo, Ischafredo, Malaignaco, Segebrando, Ariberto, Sanprognano, Bonemiro, Ostaldo, Salvardo* Sagione et aliorum plurimorum bonorum hominum qui cum eos residebant in Mallo publico, in castro *Ausona*, in die Sabbato. Ibi in eorum præsentia veniens homo nomine *Adalbertus* qui est mandatarius vel adcertor advocatus *Bernardo* vicario seniori suo, dicebat: Domne episcopo et vos judices jubete me audire et facite mihi justitiam de iste *Arifonso* Abbate S. *Johannis Baptistæ* castri *Malaste*, quæ est situs in territorio *Carcassense* super fluviam *Duranno*. Iste jam dictus Abbas et ipsa congregatio de jam dicto loco venerabile, retinent vilare cujus vocabulum est *Villa-Fedosi* quæ alium nomen vocatur *Elsau*, cum terminis et limitibus et adjacentiis suis, qui est situs in territorio *Ausonense* in suburbio *Carcassense*

Placitum or Mallum of Carcassone,—Members composing the same,—Clergy, Judges, Scabini, and Rachenburgi, Goths, Romans, and Salians, or Franks.

[Here follow the boundaries.]

* . . . tunc *Grafio* congreget secum septem *Rachinburgos* idoneos, et cum ipsis ad casam illius fidejussoris veniat. (Lex Salica, 52, § 2.)

. . . . si quis ad Mallum venire contempserit et quod ei a *Rachenburgis* judicatum fuerit implere distulerit. (Lex Sal. 59.)

From these, and many similar passages collected by Savigny, I. 180, &c., and Eichhorn, I. 211, it appears that they held an office or station similar to the Scabini. I do not find any satisfactory etymology for the name.

Lands asserted to be held by the service of Cavalcata.

No service due from the lands, the same being held for the support of the poor, and the maintenance of the Monks.

...de quantum in istas totas affrontationes abet ipse villare constructo cum terminibus, limitibus et adjacentiis suis, sic retinet iste jam dictus Abba injuste et malum ordine, unde servicius debet exire circa et quarta, et cavalcata*, sicut alii *Spanii* debent facere de illorum aprisione.....

The Abbot, by his mandatory, pleads that his predecessors purchased the land, and that the precepts, by which the monks hold the property, show "quod nullum obsequium nec nullum servitium non debent facere de jam dicto villare nec de suum terminium sed omnia hæc in alimonia pauperum et in stipendia monachorum;" and he proffers his charters, &c. *Adalbert* is then called upon by the Court to rebut this plea by legal evidence: "interrogavimus *Adalberto* mandatario de jam dicto *Bernardo* vicario Misso *Raymundo* Comite, si potebat habere scripturas aut testes aut ullum judicium veritatis, ut possit approbare quod beneficium debet esse de seniore suo *Bernardo* per donativum vel consensu de jam dicto Comite *Raymundo*, quam alodes de ipse venerabile loco superius nominato."—He is unable to do so, and withdraws his suit, and, by the order of the Mallum, he acknowledges in Court that the Abbot has more right to hold the land as an allode, than his *Senior* has to claim it as a benefice: "Recognosco me ego *Adalbertus* mandatarius quod negare non possum et sic facio meam professione adque exvagatione, quæ de ipse vilare superius nominatum, unde ego per vocem seniori meo interpellavi *Soniaro* mandatariam *Arifonso* Abbate, injuste et malum ordine eum interpellavit adque mallavit que plus debet esse ipse vilares cum finis et terminis suis, sicut scriptum est, alodes legitimum de ista jam dicta casa-Dei adque venerabili loco, sive *Arifonso* Abbate, vel ad ejus congregatione, per illorum auctoritate et per regia donatione, quam beneficium *seniore* meo qui me mandatarium injunxit aut de quolibet hominem. Et ea quæ ego me recognosco atque exvacuo, simulque conlaudo recte et veraciter, me recognosco atque conlaudo, et mea recognoxio vera est in omnibus." (Preuves de l'Histoire de Languedoc, tom. II. pp. 56, 57, 58.) The strangely corrupted language of this document holds a medium between "Book Latin" and the Lingua Romana.

* *Cavalcata* is military service for forty days: the "*circa* [tertia?] et quarta," is unintelligible.

[Here follow the boundaries.]

...tunc Gualtero congregate secum septem Thachenburgos idones, et cum ipsis in curiam illius Thachenburgi venerunt. (Lex Saxonica, 2. 2.)
...et quia in Mallum venit contempnens quod de Thachenburgi iudicium fuit amplius dictum. (Lex Saxonica, 2. 2.)
From these, and many similar passages collected by Savigny, I. 150, &c., and Richter, I. 211, it appears that they held an office or station similar to the *Thachenburg*. I do not find any satisfactory etymology for the name.

III.

LEGISLATION OF THE STATES* INCLUDED IN THE FRANKISH EMPIRE OR MONARCHY.

(1.)

Constitutio Gaufridi Comitis Britonum.

§ 1. Hæc est Assisia terrarum *Britanniæ* quam fecit *Gaufridus* Comes, filius Regis *Anglorum*. Notum sit omnibus tam præsentibus quam futuris quod cum in *Britannia* super terris inter fratres dividendis detrimentum plurimum soleat evenire, ego GAUFRIDUS filius HENRICI Regis, Dux *Britanniæ*, Comes *Richemundiæ*, utilitati terræ providere desiderans, petitioni Episcoporum et Baronum omnium *Britanniæ* satisfaciens, communi assensu eorum, Assisam feci tempore meo et successorum meorum permansuram, et concessi quod in Baronibus et feodis militum ulterius non fierent divisiones, sed major natu integrum obtineret dominatum. Junioribus suis majores providerent et ministrarent honorifice necessaria juxta posse suum; ea vero quæ tunc juniores possidebant in terris sive denariis tenerent quamdiu viverent; hæredes quidem terras tenentium illas possiderent in perpetuum, denarios autem habentium hæredes post patres non haberent.

1185.

Constitution or Assize enacted by Geoffry Plantagenet, Duke of Brittany, upon the petition of the Bishops and Barons of Brittany. Baronies and Knights' fees not to be divided as heretofore, but to descend entire to the eldest sons.

§ 2. Item si terra majorum, devenerit in ballivum, frater major post eum bailliam habebit. Quod si fratrem non habuerit, ille de amicis balliam habeat cui decedens cum assensu Domini sui eam commendare voluerit.

§ 3. In filiabus vero, qui majorem habuerit terram habeat, et juniores maritabit de terra ipsa ad consilium Domini et propinquorum generis. Si autem in terra majoris maritadium aliquod decidere contigerit, quod juniore placeat, illud habebit; nec major alii conferre poterit dum junior habere velit. Quod si habere noluerit et alibi inveniit major frater ei de rebus et catallis suis dando pro posse suo cum consilio propinquorum procuret amicorum. Item si major juniore terram dederit de qua eum in hominem recipiat et sine hærede obierit, alicui de propinquis suis cui voluerit eam dabit, ita quod ad principalem Dominum non redeat. Si autem non ceperit eum in hominem ad majorem fratrem hæreditas revertetur.

§ 4. Hanc Assisam ego *Gaufridus*, Dux *Britanniæ* et *Constancia* uxor mea et omnes Barones *Britanniæ* juravimus tenere. Decrevimus etiam necessarium ut et majores natu et juniores eam jurarent tenendam. Et si juniores nollent jurare amplius nec in terram nec in denarios partem essent habituri.

* I avoid, almost to affectation, the name of *Provinces*, because by that name, in its modern sense, we can hardly help understanding it as designating portions of a kingdom or state. Now, I wish that the reader should always keep in mind that the component parts of France were distinct and individual states, which had never been combined into one monarchy, and that their privileges were not gained at the expense of the Crown, but were merely the remains of an independent organization, which had escaped destruction.

§ 5. Hanc igitur institutionem sive Assisam *Rolando de Dinanno* et ejus hæredibus per totam terram suam concessimus permansuram. Ut igitur ratum permaneat et stabile, attestazione sigilli mei et *Constanciæ* uxoris meæ volumus roboravi. Testibus, *Herberto Redonensi* Episcopo. *P. Macloviensi* Episcopo. *Mauritio Nan-netensi* Electo. *Radulfo de Fulgeriis*. Comite *Eudone*. *Alano de Rohan*. *Alano filio Comitis*. *Henrico filio alterius*. *Abbate Tudi*, et pluribus aliis. Apud *Redonas*. (Lobineau, II. pp. 317, 318.)

Copies of this Assize were delivered to all the principal Barons of the Duchy, the name of the party being inserted in the fifth section.

(2.)

1212. Establishment or Statute made by Blanche, Countess of Troyes, by the advice and assent of the Barons and Vavassors of Champagne and Brie, concerning the succession of daughters of Barons and Vavassors, as coparceners.

Ego *Blancha Comitissa Trecensis* Palatina, notum facio universis, tam præsentibus, quàm futuris, me communi consilio et assensu baronum meorum et vavassorum meorum statuissse, quòd si aliquis baronum meorum, vel vavassorum *Campaniæ*, vel *Briæ*, sine herede masculo decesserit, et plures habuerit filias, primogenita filiarum habeat castellum, aliæ verò habeant planam terram: ita quòd de terra illa plana unicuique illarum portio sua rationabilis assignetur, juxta valentiam reddituum castelli, non æstimata vel computata valentia domini vel forteritiæ sive castelli sui, neque valentia justitiæ infra castellum, neque valentia feodorum quæ pertinent ad castellum. Et si post rationabilem cujuslibet portionem, sicut superius est expressum, factam de terra illa plana, aliquid residuum fuerit; in residuo illo primogenita filiarum domina castelli cum aliis sororibus suam habeat portionem, si verò plana terra non valuerit tantum, quod quælibet filiarum possit habere rationabilem portionem, juxta valentiam reddituum castelli, sicut prædictum est; de castelli redditibus suppleatur. Si autem, duo vel tria, vel plura fuerint castella, prima filiarum melius habeat castellum; secunda melius post illud; tertia tertium; quarta quartum; et sic de aliis. Aliæ vero filiæ habeant terram planam; ita quod si de plana terra non possunt habere rationabilem portionem juxta valentiam castellorum, non æstimata vel computata valentia domini, vel forteritiæ illorum castellorum, sicut prædictum est, neque valentia justitiæ infra castella, neque valentia feodorum quæ pertinent ad castella; unicuique illarum portio fiat rationabilis, et augeatur de redditibus castellorum. Hoc idem stabilimentum feci de castellanis, et de vavassoribus qui habent castella, vel domos fortes.

(Thesaur. Anecd. vol. I.—Misc. Epist. et Dipl. p. 825.)

(3.)

1212. Parliament of Pamiers held by Simon de Montfort.

Nous *Simon* Counte de *Leicestre*, Sieur de *Montfort*, &c., par le conseil des venerables Seigneurs, scavoir est, les Archevesques de *Bordeaux*, Evesques de *Tolose*, *Carcassone*, *Agen*, *Perigeux*, *Conserans*, *Commenge*, et *Bigorre*, et des sages hommes nos Barons et principaux vassaux * mettons en toute nostre terre telles generales cous-

* E quand lo dit Conte de *Montfort*, vist que otré cosa, no podie far, va s'en tornar dessa en *Pamias*, la ont mandet un grand conseilh et *parlament*.

(From a Chronicle in the Provençal language, *Vaissette*, III. 50, *Preuves*.)

tumes, les quelles commandons estre de tous inviolablement observeés, et sont celles qui ensuivent. (Catel. 269.)

Anno Incarnationis Domini 1212, mense Novembris, convocavit nobilis Comes *Montis-fortis*, Episcopos et Nobiles terræ suæ, apud Castrum Apamiarum celebraturus colloquium generale *. Causa autem colloquii hujus ista fuit, ut Comes noster, in terra quam acquisierat.....institutui faceret bonos mores, hæretica spurcitia procul pulsa, quæ totam corruperat terram illam, bonæ tam cultu religionis Christianæ, quam etiam de temporale pace et quiete, consuetudines plantarentur. Terra siquidem illa, ab antiquis diebus depredationibus patuerat et rapinis, opprimebat quippè potens impotentem, fortior minus fortem. Voluit igitur Comes nobilis, cunctas consuetudines fixosque limites terræ dominis ponere, quos transgredi non liceret, quatenus etiam milites de suis certis et rectis redditibus rectè viverent: minor etiam populus sub alis dominorum posset vivere, immoderatis exactionibus non gravatus: ad quas consuetudines statuendas, *electi fuerunt viri duodecim* qui super sacro-sancta Evangelia juraverunt, quod pro posse suo tales consuetudines ponerent, per quas ecclesia sua libertate gauderet, tota etiam terra in statu firmaretur meliori. De illis autem 12 electoribus, quatuor fuerunt Ecclesiastici, duo scilicet Episcopi, *Tholosanus* et *Consozanensis*, unus Templarius, unusque hospitalarius, quatuor præterea *Francigenæ Milites*, quatuor etiam indigenæ, duo milites et duo *burgenses*, per quos dictæ consuetudines, satis competenter positæ et firmatæ †. Ut autem consuetudines illæ inviolabiliter servarentur, antequam proferrentur in medium, nobilis Comes omnesque milites sui super quatuor Evangelia juraverunt, quod supra memoratas consuetudines, nunquam præsumeret violare: ut etiam majorem obtinerent firmitatem redactæ sunt in scriptum, sigillo etiam Comitis et omnium Episcoporum qui ibi plures erant, firmatæ et munitæ. (Chron. Petr. Vallis. Du Chesne, V. p. 624.)

A Committee of twelve elected in such Parliament, by whom the ordinances were to be made, such Committee being composed of two Bishops, one Knight Templar, one Knight Hospitaller, four French Knights, two Knights of the county, and two Burgesses.

Idemque Legatus ibidem *Tholosæ* post æstatem consilium celebravit, cui interfuerunt *Narbonensis*, *Burdigalensis*, *Auxitanensis*, Archiepiscopi, et Episcopi multi et alii prælati. Item adfuerunt Comes *Tholosanus* et alii Comites præter *Fuxensem*, Barones et Senescallus *Carcassonæ* et Consules *Tholosani*, duo, unus de civitate et alius de Burgo, qui statuta pacis in totius universitatis animam juraverunt et tam Comes quam cæteri illud approbaverunt, et fecerunt et idem fecit postea tota terra.

1229. Council or Parliament held before the Papal Legate at Toulouse. By this assembly the inquisition was established.

(Chron. Guill. de Podio, Du Chesne, V. p. 691.)

* As the Burgesses are mentioned in the Committee of Twelve it is probable that they also formed a part of the assembly.

† This Committee seems to have furnished the precedents for the appointment of a similar body, in the Parliament of Oxford, 1258. The French Knights were those to whom Simon de Montfort had granted fiefs in the county of Toulouse,—“on sait par ces statuts, que *Simon de Montfort* avoit disposé dès lors, en faveur de divers Chevaliers François, des terres qui avoient été confisquées sur la noblesse du pais qui avoit eu le malheur d’embrasser ou de favoriser l’hérésie, ou de se déclarer contre ce Général.” (La Vaissette, III. p. 234.)

1233.
Parliament held before
Raymond, Count of
Toulouse.

Nos *Raymundus* Dei gratia Comes *Tolosæ* de consilio et assensu Episcoporum et aliorum prælatorum, Comitum et Baronum, Militum et plurium aliorum virorum prudentum terræ nostræ, statuimus, &c. (Concilia, XI. p. 449.)

1254.
Knights and Burgesses
of Beaucaire present
their petitions complain-
ing of certain griev-
ances, and the King
grants, that the Senes-
chal shall not prohibit
the exportation of corn,
&c. at his pleasure.

(4.)
Ludovicus D. G. *Francorum* Rex, universis præsentēs litteras inspecturis, salutem. Visis petitionibus et discussis, quas fideles nostri milites et burgenses *Bellicquadri* nobis obtulerunt, super variis gravaminibus quæ per ballivos nostros sibi asserunt irrogari; Sane ut rebus suis uti liberius eisdem liceat, firmiter inhibemus, ne senescalli nostri pro suæ voluntatis arbitrio, bladi vel vini, vel aliarum rerum venalium ipsis faciant interdictum; quin ea eis liceat exportare, vel exportare volentibus vendere: hac tamen moderatione subintellecta, ut arma nullo tempore Saracenis vel victualia, dum guerram cum Christianis habuerint, sed nec quibuscumque nobiscum guerram habentibus liceat exportare. Si tamen causa urgens institerit, propter quam videatur interdictum huiusmodi faciendum, congreget senescallus consilium non suspectum, in quo sint aliqui de prælatis, baronibus, militibus et hominibus bonarum villarum; cum quorum consilio dictum faciat interdictum; et semel factum, absque consilio consimili non dissolvat; nec interdicto durante, prece vel pretio, cuiquam faciat gratiam specialem Quod ut ratum et stabile permaneat, præsentēs litteras sigilli nostri fecimus impressione muniri. Actum apud S. Egidium Anno Domini MCCLIV., mense Julio.

(Vaissette, Preuves de l'Histoire de Languedoc, tom. III. p. 507.)

This ordinance is, as nearly as possible, in the old English parliamentary form,—a charter granted upon the petition of the legislature. The charter for Beaucaire only has been preserved; but it will be seen from the next document, that the same proceeding had taken place in Carcassone.

1254.
Council of Parliament
held before the Pope's
Legate at Toulouse.
By this assembly the
prohibition was esta-
blished.

(5.)
Procès verbal de la tenue d'une assemblée des trois états de la sénéchaussée de
Carcassone.

1212.
Consuls of Narbonne
pray that the exporta-
tion of corn may be
prohibited according to
the statute.

Noverint universi quod Anno Domini MCCLXIX., viii. kal. Augusti, viri venerabiles et discreti, consules urbis et suburbii *Narbonæ*, ad præsentiam Domini *Guilielmi de Cohardon* militis senescalli *Carcassonæ* et *Biterris*, accedentes, cum instantia petierunt, ut bannum faceret de blado de dicta senescallia non extrahendo, ex causis quæ inferius exprimentur. Sed cum juxta statutum Domini Regis juratum, huiusmodi deffensum fieri sit prohibitum, sine causa urgente; et tunc etiam cum bono et maturo consilio nec suspecto sit faciendum, et factum cum consilio, sine consilio non sit dissolvendum, nec eo durante, tanquam sit facienda gratia specialis; prædictus senescallus ad habendum huiusmodi consilium, convocavit prælatos, *terrarios*, barones, milites, consules, et majores communitatum infrascriptos, in die Dominica post festum *Beati Nazarii*, ad ipsum veniant *Carcassonæ*; ad præstandum sibi consilium in prædictis, per suas litteras sub hac forma.

Venerabilibus in Christo patribus D. M. Dei gratia Archiepiscopo *Narbonæ*; *Biterrensi*, *Agathensi*, *Lodovensi*, *Magalonensi*, et *Albiensi* Episcopis, et Domino electo *Carcassonæ*, et capitulis eorum; Abbati *Crassensi* [and 35 other Abbots, Priors, &c.]

Writ or writs of summons to the Prelates, Barons, and Communities.

[Compare with the writs of summons to the Mallum.]

(p. ccccxli., &c.)

Domino *Philippo de Monte-forti*. Domino *Guidoni de Levis*, Marescallo *Albigensi*. Domino *Johanni de Brueriis*. Domino *Almarico* Vicecomiti *Narbonæ*. Domino *Lamberto de Limoso*. Domino *Symone de Limoso*. Domino *Geraldo de Canesuspensio*. *G. de Vicinis*. Domino *Ramundo Abbanni*. Domino *Guillelmo Abbanni*. Domino *Gaufrido de Caldaireno*. Domino *Philippo Goloyne*, Majori. Domino *Stephano de Darderiis*, *Philippo de Bosco-Arcambaudi*. Domino *Guillelmo Acurati*. Domino *Rainfrido Ermengaudi* fratri ejus. Domino *Jordano de Cabareto*. Domino *Lamberto de Montilio*. Domino *Isarno* Vicecomiti *Lautricensi*. Domino *Amalrico*. Domino *Bertrando* fratribus ejus. Domino *Jordano de Saxiacho*. Domino *Berengario de Podio Sorigario*. *Aymerico de Boyssiacis*. *Berengario Guillelmo* Domino *Claromontis*. Domino *Guillelmo de Lodeva*. Domino *Petro de Claromonte*. Consulibus *Carcassonæ*. Consulibus *Biterris*. Consulibus de *Capite Stagni*. Consulibus *Agathens*. Consulibus *S. Tyberii*. Consulibus *Pedenacii*. Consulibus de *Caucio*. Consulibus de *Serviano*. Consulibus *Clari-Montis*. Dominis et Consulibus et *Gigniacho*. Consulibus de *Porc*. Consulibus de *Florenciacho*. Consulibus de *Serinhano*. Consulibus civitatis *Albiensis*. Consulibus de *Castris*. Consulibus *Lautricensibus*. Consulibus de *Saxiacho*. Consulibus *Montis-regalis*. Consulibus *Limosi*. Consulibus *Montis-Olivi*. Consulibus *Electi*. Consulibus *Crassensibus*. Consulibus *Asiliani*. Consulibus de *Caunis*. Consulibus de *Tribubonis*. Consulibus de *Pipionibus*. *Guillelmus de Cohardon*, Miles, Senescallus *Carcassonæ* et *Biterris*, salutem et sinceram dilectionem cum honore. Cum per viros venerabiles consules urbis et suburbi *Narbonæ* fuerimus cum instantia requisiti, ut deffensum bladi de nostra senescallia extrahendi faciamus ex causis, quas die assignanda inferiùs audietis; et hoc sine causa urgente, secundum statutum regium, sit minime faciendum; et tunc etiam cum bono et maturo consilio nec suspecto fieri debeat, et factum cum consilio, sine consilio non dissolvi, nec eo durante cuiquam gratia fieri specialis; requirimus vos et mandamus, quatinus die Dominica post festum *Beati Nazarii*, videlicet xi. mensis Augusti, ad nos apud *Carcassonam* veniatis ad præstandum nobis bonum et maturum consilium in prædictis, cum prælatis, terrariis, baronibus, et bonarum villarum consulibus, ad hoc per nos specialiter convocatis. Datum *Carcassonæ* vii. kal. Augusti. Anno Domini MCCLXIX., reddite litteras portitori*.

Qua die, prædicti prælati, barones et consules, pro majori parte comparuerunt apud *Carcassonam*, coram prædicto Senescallo, præsentibus, Domino *Arnulpho de Curia-*

* It might appear at first, that this was one general writ shown to each party, and returned to the bearer; but I apprehend that, as in the next case, the writs were special, and that the general address was framed by the notary or the clerk, out of the special or specific addresses. In the English records, one writ to one individual is entered at length on the roll, and then a schedule is added, containing the names of the other persons summoned.

(p. ccccxli.)

Ferrandi, milite Domini Regis *Franciæ*, et Domino *Raymundo Marchi*;—videlicet Archiepiscopus *Narbonæ*, Dominus *P.* Episcopus *Biterrensis*. Dominus, *P.* Episcopus *Agathensis*. Dominus *R.* electus in Episcopum ecclesiæ *Carcassonæ*. Abbas *Crassensis*. Abbas *Montis-Olivi*. Abbas *Caunensis*. Abbas *Villæ-longæ*. Abbas *S. Polycarpi*. Abbas *S. Pontii Tomeriarium*. Abbas *Electensis*. Abbas *Jocundensis*. Abbas *S. Jacobi Biterrensis*. Dominus *Phillippus de Monte-forti*. Dominus *Guido de Levies*, Marescallus *Albigesii*. Dominus *Isarnus Vicecomes Lautricensis*. Dominus *Bertrandus*, frater ejus. *Guillelmus de Vicinis*. Dominus *Geraldus de Canesuspenco*. Dominus *Johannes de Brueriis*. Dominus *Gaufridus de Varanis*. Dominus *Philippus Goloynh*. Dominus *Bertrandus de Podio-Sorigario*. *Aymericus de Bociasse*. *Berengarius Guillelmi* Dominus *Clari-montis*. Consules *Carcassonæ*. Consules *Biterris*. Consules *Montis-Regalis*. Consules *Limosi*. Consules *Asilian*, et multi alii de villis prædictis, et de aliis locis, et exposita eis supplicatione deffensi supradicti et habita deliberatione usque in crastinum expectata, Dominus Archiepiscopus *Narbonensis*, et Dominus *Philippus de Monteforti* memorati, pro prælatiis et *terrariis* * responderunt prædicto senescallo, in hunc modum; consulentes eidem senescallo. Videlicet quod sit magna bladi abundantia in senescallia *Carcassonæ*, et bladum non sit carum in mercatis, non videtur eis, quod deffensum generale de blado non extrahendo de senescallia *Carcassonæ*, per mare vel per terram, sit faciendum, nec fieri consulunt.

The Estates refuse their assent to a general prohibition.

[They then advise that the exportation of grain to the Saracens, the men of Pisa, and other enemies of the Holy Church, be prohibited, but allow of such exportation to Sicily, &c.]

..... [quod bonorum virorum consilium, prædictus senescallus, de multorum aliorum bonorum virorum consilio, approbavit, et acceptavit; et prædictum consilium publicavit et solemniter edidit edictum proponendum, quod quicumque in contrarium fecerit, bladum hujusmodi in commissum incidat, &c.]

(Preuves de l'Hist. de Languedoc, III. pp. 585, 586, 587.)

(6.)

Assemblée tenuë à *Beziers* des trois Etats de la sénéchaussée de *Carcassonne*.

1271.
Estates of Carcassonne.

Noverint universi, quod cum aliquæ personæ quarundam bonarum villarum de senescallia *Carcassonæ*, exposuissent *Gaufrido de Avesia* vicario *Biterrensi* Domini regis, tenenti locum Domini *Guillelmi de Cohardon* militis, senescalli *Carcassonæ* et *Biterris*, quod propter messes steriles bladi caristia imminebat, et cum instantia supplicassent, ut habito consilio, juxta regulæ statutum, deffensum faceret generale de blado non extrahendo de senescallia *Carcassonæ* et *Biterris*: prædictus tenens locum dicti Domini senescalli; ad habendum super his consilium, prælatos, et barones et consules et communitates civitatum et aliarum bonarum villarum, de senescallia *Carcassonæ* et *Biterris*, per suas patentes litteras, apud *Biterrim* convocavit, in hunc modum.

* The *Terrarii* seem sometimes to be considered as a class distinct from the Baronage. (Du Cange.)

Reverendo Patri in Christo Domino M. Dei gratia Archiepiscopo *Narbonensi*, et capitulo ecclesiæ ejusdem, *Gaufridus de Avesia*, Vicarius *Biterrensis*, locum tenens Domini Senescalli *Carcassonæ* et *Biterris*, salutem et sinceram dilectionem. Cum propter messes steriles, et bladi caristiam imminuentem, à quibusdam fuerimus cum instantia requisiti, de deffenso generali faciendo, ne bladum extrahatur per mare vel per terram de senescallia *Carcassonæ* et *Biterris*; et ad hoc ad diem Jovis post festum S. Laurentii, apud *Biterrim*, consilium prælatorum, et baronum, et aliorum bonorum virorum, prout in statutis regalibus continetur, duximus convocandum; requirimus vos, rogamus et mandamus, quatinus ad dictum consilium, die et loco prædictis, veniatis, ad præstandum nobis bonum consilium, quid super his agere debeamus. Datum *Carcassonæ*, mense Augusti, Anno Domini MCCLXXI. *Reddite litteras* *.

Writ of summons to the Archbishop and Chapter of Narbonne. (Compare with the English Parliamentary Writs.)

Item sub eodem modo et forma, de verbo ad verbum, scripsit reverendis in Christo Patribus Dominis *Biterrensi*, *Agathensi*, et *Lodovensi*, Episcopis, et capitulis suarum ecclesiarum. Item, Domino electo, et capitulo ecclesiæ *Carcassonæ*. Item, viris venerabilibus et discretis abbatibus de *Monte-Olivo*, &c. [and fifteen other abbots.]

Prelates.

Item nobilibus viris *Aymerico* Vicecomiti *Narbonæ*, *Amalrico*, fratri ejus; Domino *Isarno*; Domino *Bertrando* Domino *Amalrico* fratribus Vicecomitibus *Lautricensibus*; et Domino *Lamberto de Montilio*, et Domino *Stephano de Darderiis* senescallo terræ uxoris et liberorum Domini *Philippi de Monteforti* quondam. Item nobili viro Domino *Guidoni de Levis*, Marescallo *Mirapisci*. Item nobilibus viris Domino *Lamberto de Tureyo*, Domino *Gualfredo de Felgariis*, Domino *Aymerico de Bossiassis*, *Berengario Guillelmi*, Domino *Claromontis*. Item discretis viris Præceptoribus de *Bozincho*, [and four others.]

Barons.

Item consulibus et communitatibus *Narbonæ*, *Carcassonæ*, *Biterre*, *Agathæ*, et *Lodevæ* †. Item abbatibus *Castrensi*, et *Candillii*, et *Ardorelli*. Item capitulo ecclesiæ *Albiensis*. Ad quam diem et locum, de prædictis prælatis, baronibus, consulibus et communitatibus convocatis, venerunt infra scripti. Videlicet venerabilis pater Dom. Episcopus *Agatensis*. Item, *Raymundus Vayneti* Canonicus *Lodevæ*, cum mandato procuratorio Domini Episcopi *Lodovensis*. Item, *Petrus* camerarius *Montis-Olivi*, cum mandato procuratorio Domini Abbatis *Montis-Olivi*. Item Dominus *B.* Sacrista ecclesiæ *Carcassonæ*, et Dom. *Sancius Morlana* pro capitulo ecclesiæ *Carcassonæ*. Item, frater *G.* prior claustralis monasterii *Crassensis*, procurator generalis ejusdem monasterii, abbate carentis. Item, *Raymundus de Avraccio*, clericus, cum mandato procuratorio abbatis *Caunensis*. Item, Dominus Abbas *S. Pauli Narbonensis*, scilicet Dominus *Guiraudus*, et *P.* Abbas *S. Jacobi Biterrensis*, et Dominus *P.* Abbas *S. Affrodisii*, &c.

Towns.

Members attending.

Item, *Aymericus*, Vicecomes *Narbonensis*, et *Amalricus* fratres. Item, pro Vicecomitibus *Lautricensibus*, littera approbationis de hoc quod fiet, per vicarium sigillata, cum sigillo Domini *Isarni*, Vicecomitis *Lautricensis*. Item, Dominus *Lambertus de Tureyo*. Item, *Ameyricus de Bociacis*, et *B. Guillelmi*. Item, Consules

Consuls of the good towns appearing for their communities.

* The writ was probably to be returned to the messenger, in order that he might certify his service thereof, by indorsement.

† The Communities of Albi and Pedenac were also summoned, as appears below. (p. ccccxlii.)

Procurator, appointed
by the Consuls of Albi,
appearing for the Con-
suls and Community.

Essoigns or excuses of
defaulters.

The Estates enact the
prohibition.

Narbonæ; videlicet *Johannes Benedicti, Petrus Abbati*, pro se et aliis conconsulibus, et pro communitate urbis et burghi *Narbonæ*. Item, Consules *Biterris*; scilicet *Guillelmus de Rivo-Sicco, B. Grassi, Pontius Torti, Rainfridus Bardoni, G. Villamagna, Bertrandus Salvator, et Paulus Cultelli*, pro se et pro communitate civitatis *Biterris*. Item, *B. Johannis, et G. Petrus Pitrelli*, Consules *Carcassonæ*, pro se et aliis conconsulibus suis, et communitate *Carcassonæ*. Item, *Guillelmus Grava*, pro consulibus et communitate *Albiæ*, cum mandato procuratorio sigillato cum sigillo pendenti consulum civitatis *Albiæ*: sed et alii vocati non venerunt: sed curia Archiepiscopi *Narbonensis* excusavit litteratoriè ipsum Archiepiscopum, quod iter arripuerat eundi in *Franciam**. Item, Abbas *S. Poncii Thomeriarum* excusavit se per suam litteram, approbans quidquid ordinaretur cum consilio aliorum praelatorum. Item, multi alii fuerunt vocati, quorum litteræ præ manibus non habentur, de quibus venerunt infra scripti, videlicet Dominus Prior de *Cassiano*, et Dominus *Br. de Podio Sorigario, et Johannes de Insula*, et Consules de *Pedenacio*; scilicet, *G. de Aureliaco, et Petrus Bernardi*. A quibus omnibus supradictis, Vicarius *Biterris*, locum tenens Domini Senescalli *Carcassonæ et Biterris*, super prædicto deffenso faciendo, et de modo, et de forma, juxta regale statutum, consilium requisivit. Omnes autem prædicti qui venerant, prout superius sunt nominati, necnon et multi alii boni viri; videlicet Dominus *Raymbaudus de Salve* Miles Judex Domini Senescalli, Magister *Bartholomæus de Podio*, Domini Regis *Franciæ* clericus, Judex *Carcassonæ*, Magister *Simon* Judex *Biterrensis*, Dominus *P. de Figui*, Miles de *Biterris*, *Guicardus Ermengaudi, R. de Montefetosio, G. Aynardi, G. Petri* jurisperitus, et multi alii boni viri, cum aliis supra nominatis, in palatio *Biterrensi* Domini regis congregati, consuluerunt prædicto tenenti locum senescalli *Carcassonæ et Biterris*, quod faciat generale deffensum, ne aliquis extrahat bladum de senescallia *Carcassonæ et Biterris*, per mare vel per aliam aquam, vel per terram, hinc ad futurum festum nativitatis Beati *Johannis Baptistæ* sub poena commissi ipsius bladi; præterquam ad civitatem *Aconensem*.—[Various regulations follow.] (La Vaissette, III. p. 603.)

* A curious expression, as showing that, in common language, the *Langue d'oc* was not considered as France.

DIVISION OF FRANCE INTO NATIONS.

THE want of unity in what we term the "Kingdom of France," is emphatically shewn by a remarkable passage in the Epistles of Ivo of Chartres. (Ep. 104. Bouquet XV. p. 144.) By the advice of this learned and influential Prelate, Louis le Gros was crowned at Orleans (1108). The Clergy of Rheims expostulated loudly against such an invasion of their rights. Ivo replied by a circular letter or declaration, in which he attempts to shew that the consecration at Orleans was valid according to custom, reason, and law.—One of his arguments is the following. "Præterea, quæ ratio est *Belgicorum*, Regem suum creare et consecrare, quamvis in aliis provinciis regnatus sit, si ita ipsorum Regum voluntas, et temporum atque locorum opportunitas se obtulerit: eadem est *Celticorum* et *Aquitanorum*, qui *Belgicorum* provinciæ nihil debent, Regem suum, quamvis et in Belgicâ regnaturus sit, eligere, et omne regi debitum obsequium exhibere."—The nations were separate: but if any one took the lead, the others were bound to follow.

France possessed by distinct nations (see p. 544.)

DOMESDAY SURVEYS.

Domesday Surveys, the results of the verdicts of Jurors (p. 272), and also of other witnesses.

THE regularity of the course adopted, when this record was compiled, is very remarkable; and affords a satisfactory proof that the business of the government was well conducted, and with much less rudeness than is usually supposed. The Commissioners were furnished with interrogatories, upon which they examined the Jurors of the Shire and Hundred, and also such other witnesses as they thought expedient¹.

Portions of the original Inquisitions yet extant. *Inquisitio Eliensis.*
*Inquisitio de terris quas laici tenuerunt in Gran-
tebrigscire.*

Fragments of the original inquisitions have been preserved. Those relating to the lands and demesnes of the church of Ely, in the counties of Cambridge, Huntingdon, Essex, Norfolk, and Suffolk, and also to the possessions of the laity in the county of Cambridge, exist in one and the same manuscript², and disclose the plan which was pursued.

The Commissioners appear to have taken the account regularly through all the Hundreds and Townships, adding the particulars of live stock, as required by the circular instructions. Of these inquests it is probable that various transcripts were

¹ Hic subscribitur inquisicio terrarum quomodo Barones Regis inquireunt, videlicet per sacramentum Vicecomitis Sciræ et omnium Baronum et eorum Francigenarum et tocius centuriatus—presbiteri præpositi vi. villani uniuscujusque villæ.—Deinde quomodo vocatur mansio, quis tenuit eam tempore Regis *Edwardi*, quis modo tenet, quot hidæ, quot carrucatæ in dominio, quot homines, quot villani, quot cotarii, quot servi, quot liberi homines, quot sochemanni, quantum silvæ, quantum prati, quot pascuorum, quot molendinæ, quot piscinæ, quantum est additum vel ablatum, quantum valebat totum simul; et quantum modo; quantum ibi quisque liber homo vel sochemanum habuit vel habet. Hoc totum tripliciter, scilicet tempore Regis *Æduardi*; et quando Rex *Willielmus* dedit; et quomodo sit modo, et si plus potest haberi quam habeatur. Isti homines juraverunt. (Then follow the names.) (*Inquisitio Eliensis*, p. 497.)

² Bib. Cott. Tiberius A. VI. The manuscript appears to be of the reign of Henry II.; the first portion consists of the *Inquisitio Eliensis*, extending, as above mentioned, into five counties. It is followed by the inedited *Inquisitio de Terris*, &c.

made: the Ely and Cambridge inquisitions are such; and the substance of the returns for Dorset, Somerset, Devon, and Cornwall, and a part of Wilts, are included in the volume usually entitled the *Exon Domesday*³. The lands are here generally classed under the name of each tenant in capite, though not with entire regularity: the particulars of stock are added as before.

Exon Domesday.

*Domesday*⁴ itself consists of the returns, methodized according to a consistent, and, with the exception after noticed, a uniform plan. The Survey is comprised in two volumes; and the colophon at the end of the second, enables us to ascertain the period when the transcripts were concluded⁵. The descriptions are arranged in the following order. A notice of the special customs of the Shire and the description of the principal cities or

Exchequer Domesday.
Description of the Volumes.

³ It is preserved amongst the archives of the Cathedral of Exeter.

⁴ There are two *ancient* etymologies of this name: "Hic liber ab indigenis *Domesdei* nuncupatur, id est, *Dies Judicii*, per metaphoram; sicut enim districti et terribilis examinis illius novissimi sententia nulla tergiversationis arte valet eludi; sic, cum orta fuerit in regno contentio de his rebus quæ illic annotantur, cum ventum fuerit ad Librum, sententia ejus infatuari non potest, vel impune declinari. Ob hoc nos eundem *Librum Judicarium* nominavimus." (Dialogus de Scaccario, p. 398.)

Stowe, on the contrary, quoting an ancient monastic chronicle, supposes that *Domesday* derived its name from the place in which it was deposited. "The Booke of Bermondsey saith, this Book was laid up in the *King's Treasurie* (which was in the Church of Winchester or Westminster), in a place called *Domus Dei*, or God's house; and so the name of the booke, therefore called *Domus Dei*, and since, shortly, *Domesday*."

The latter derivation appears the most plausible. Some moderns have deduced *Domesday* from "*Domboc*;" but the Survey is never known by the latter name. *Domesdai*, whatever may have been its origin, soon became the denomination for any register of authority. A survey of the manors belonging to the Deanery of St. Paul's, taken in 1181, is entitled "*Domesday Petri de Diceto*." In the Cathedral of York there was a *Domesday Register*. A volume in the office of the Town-clerk of Norwich, containing entries of charters and customs, is entitled *Domesday*; and there is a similar volume at Ipswich. The *Domesday* of Chester, being a record more nearly approximating to the real *Domesday*, was preserved amongst the archives of the Earldom.

⁵ Anno millesimo octogesimo sexto ab incarnatione Domini, vigesimo vero Regni *Willielmi*, facta est ista descriptio non solum per hos tres comitatus sed etiam per alios.

burghs; "Terra regis," or the King's land, follows; and then the lands of the other possessors, duly classed and numbered. The substance of the information given by the inquisitions is retained, though somewhat in an abridged form; but all the particulars of the live stock are omitted, except in the counties of Norfolk, Suffolk, and Cambridge, contained in the second volume. It was obviously unnecessary to insert these particulars in a permanent record, and it is not easy to understand why they were retained in the last-mentioned counties⁶.

These volumes have always been preserved with great care. According to the usage of the Exchequer, no person is allowed to touch the writing; and if the finger chances to stray upon the text, it is immediately warned off into the margin, by the vigilant keepers of the Record.

Ancient transcripts of
Domesday.

Various transcripts and abridgments were made for the convenience of the King's officers. One abridgment of this description appears to have been engrossed upon a roll⁷; and it is, perhaps, from the use of this transcript that the name of the "*Roll of Winton*" was inaccurately given to the Book of Domesday. There are three other copies, *book copies*, in the repositories of the Court of Exchequer; and it is possible that some one of these transcripts is alluded to, by the ancient, though not very early, authorities, which clearly testify the existence of two copies of Domesday, each considered as legal evidence⁸.

⁶ The second volume is of a smaller size than the first, and it is not improbable that this difference indicates two stages in the "*redaction*" of the materials, namely, that a first abridgment was made, including the stock; and then, a second abridgment, in which the particulars were omitted, and which second abridgment was completed for the counties in the larger volume, but left unfinished as to the remainder; so that, according to this supposition, the first or larger volume is an abridgment of a set, of which the second or smaller volume is the only one which remains.

⁷ Bib. Cott. Vitellius, C. VIII. 13. The fragment contains the survey of Kent. It consists of fourteen membranes or skins: the writing is only upon one side of the vellum.

⁸ Thus, according to Rudbourne. Eodem tempore factus est magnus liber; qui habitus est in Thesauro *Westmonasterii* et alius in Thesauro Ecclesiæ Cathedralis

Ingulphus, or rather the compiler to whom we owe the *rifacciamento* which has so long passed current as the production of the venerable Abbot, speaks with great complacency, when he recounts the favour shewn to his Monastery by the Domesday Commissioners. In order that the possessions of the Abbey might be protected against encroachments, they enlarged the site of the township, to double its real size⁹. The description, however, to which Ingulphus refers, does not occur in any part of the volume: and the whole passage relating to Domesday, is one of the many which tend to impugn the authenticity of the Croyland history.

But Domesday was really not considered as satisfactory to the fiscal greediness of the Anglo-Norman treasury. Ralph Flambard, of evil fame, recommended himself to the patronage and favour of William Rufus, by advising a new and more correct survey¹⁰. All the hydes of arable land were remeasured “by the line;” and the result of the operation, which curtailed each man’s possessions exceedingly, gave a proportionate increase to the revenues of the Crown.

Flambard’s Domesday. Survey made by Rufus, at the instigation of Flambard, for the purpose of correcting the errors of the Exchequer Domesday. Lands remeasured.

In the simpler stages of society, land was admeasured more by quality than by extent. The *Fanegada* of Spain was as much land as could be sown with a *Fanega* of wheat; and the same quantity of grain would spread more widely in a stony

Ancient measures of land indicated its value and capability, rather than its superficial extent.

Wintoniæ vocatus *Domysday*. (Anglia Sacra, I. 257.) In the history of the foundation of *Burton Abbey*, land is more than once described, ut habetur in libro de *Domusdaei* apud *Wintoniam* et *Westmonasterium*. (Mon. Vol. III. p. 47.)

⁹ Ingulphus, p. 83.

¹⁰ Hic, juvenem fraudulentis stimulationibus inquietavit Regem, incitans ut totius Angliæ reviseret descriptionem, Anglicæque telluris comprobans iteraret partitionem, subditisque recideret, tam advenis quàm indigenis, quicquid inveniretur ultra certam dimensionem. Annuente Rege, omnes carrucatas, quas Angli *hidas* vocant, funiculo mensus est, et descripsit; postpositisque mensuris, quas liberales Angli jussu Edvardi Regis largiter distribuerant, imminuit, et regales fiscos accumulans, colonis arva retruncavit. Ruris itaque olim diutius nacti diminutione, et insoliti vectigalis gravi exaggeratione, supplices Regiæ fidelitati plebes indecenter oppressit, ablatis rebus attenuavit, et in nimiam egestatem de ingenti copia redegit.—Ord. Vital. 678.

and arid glebe than in a more kindly soil. A Frankish *Mansus* was the allotment sufficient to maintain a family. The fields capable of being tilled by one plough in the course of one year, constituted the *Carrucate* or *Plough-land*. This mode of calculation, though rude, was equitable. It defined the value of the donation better than an enumeration of superficial acres. The term of measurement designated the capability and worth of the land which it comprised. In various parts of England, therefore, the carrucate differed exceedingly in quantity. The same denomination was applied to sixty, eighty, an hundred, an hundred and twelve, an hundred and twenty, and an hundred and fifty acres¹¹. And the harshness of the conduct of William Rufus seems to have consisted in his causing the new survey to be made, throughout all England, by the smallest geometrical standard, without any respect to the quality of the land. The Domesday Commissioners received the verdicts of the Jurors, who stated the quantity of the land by estimation. The agents of Rufus took the measuring tape in their hands, and, in plotting out the carrucates, gave no more in superficial extent to the poorest than to the richest soil.

Fragments of a Survey contained in a Lieger-book or Register, of the Monastery of Evesham. Probability of its being *Flambard's Domesday*.

A general survey, made under such auspices, and intended to supply the deficiencies of Domesday, must excite our curiosity; and there is reason to suppose that a specimen of Flambard's Record has been accidentally preserved by its insertion in an ancient Lieger Book of Evesham Monastery¹². The fragment in question relates to the County of Gloucester. Differing wholly in arrangement from the Exchequer Domesday, it recognizes the same principle, by referring to the Confessor's

¹¹ The principal passages relating to the ancient measurements of land have been industriously and judiciously collected and explained by Mr. Ellis (*Domesday Introduction*, p. 46.)

¹² Bib. Cott. Vespasian, B. XXIV. The fragment extends from p. 53 to p. 60. The very multifarious contents of this manuscript are not described in the Museum Catalogue, and hence, probably, the fragment has hitherto escaped notice.

reign as the period of legal prescription. The particulars are frequently much more ample than the Exchequer Domesday. The mention made of *Sampson*, Bishop of Worcester, fixes the era of its compilation between 1096 and 1112. But the greater part of the tenants enumerated in the Exchequer Domesday were yet living: and, comparing these circumstances with the account of Flambard's proceedings, there will be little doubt, but that the Evesham fragment is a portion of the survey which he caused to be made¹³. Possibly other frag-

¹³ The comparison of the following extracts from the two documents, will best explain the relation which they bear to each other:—

Exchequer Domesday.

Tempore Regis *Edwardi* reddebat Civitas de *Glowecestre* xxxvi. libras numeratas et xii. sextaria mellis ad mensuram ejusdem burgi et xxxvi. dicras ferri et c. virgas ferreas ductiles ad clavos navium regis et quasdam alias minutas consuetudines in aula et in camera regis.

Modo reddit ipsa civitas regi lx. libras de xx. in ora. Et de moneta vero habet Rex xx. libras.

In dominica terra regis tenet *Rogerus de Berchelai* unam domum et unam piscariam in ipsa villa et est extra manum regis. Hanc *Balduinus* tenuit tempore Regis *Edwardi*.

Osbernus Episcopus tenet terram et mansiones quas *Edmarus* tenuit reddunt x. solidos cum alia consuetudine.

Gaufridus de Manneville tenet vi. mansiones. Hæ tempore Regis *Edwardi* reddebant vi. solidos et viii. denarios, cum alia consuetudine.

Willielmus Baderon, ii. mansiones de xxx. denariis.

Willielmus Scriba, i. mansionem tenet de li. denariis.

Rogerus de Laci, i. mansionem de xxvi. denariis.

Osbernus Episcopus, i. mansionem de xli. den. *Bernerus* unam mansion. de xliii. denariis.

Willielmus Calvus, i. mansionem de xii. denariis.

Durandus Vicecomes, ii. mansiones de xliii. denariis.

Isdem *Durandus* tenet i. mansionem de xxvi. denariis; et adhuc unam mansionem quæ nullam consuetudinem reddit.

Hadeuinius tenet i. mansam quæ dat gablum sed aliam consuetudinem retinet.

Gosbertus i. mansionem, *Dunning* i. mansionem, *Widardus* i. mansam.

Arnulfus Presbiter, i. mansam quæ reddit gablum et aliam consuetudinem retinet.

Omnes istæ mansiones reddebant regalem consuetudinem tempore Regis *Edwardi*. Modo Rex *Willielmus* nichil inde habet, nec *Robertus* minister ejus.

Istæ mansiones fuerunt in firma Regis *Edwardi* die qua fuit vivus et mortuus:

ments may be lurking among the miscellaneous matter contained in ancient ecclesiastical registers: for, as yet, comparatively few of these volumes have been searched and examined with the attention which they deserve.

modo vero sunt ablatae de firma et consuetudine Regis. Tempore Regis *Edwardi* erat dominium Regis in civitate totum hospitatum vel vestitum.

Quando Comes *Willielmus* ad firmam recepit, similiter vestitum fuit. Sedecim domus erant ubi sedet castellum quæ modo desunt, et in burgo civitatis sunt wastatae xiii. domus.

Burgum de *Wincelcumbe* reddebat tempore Regis *Edwardi* vi. libras de firma. De his habebat *Heraldus* Comes, tercium den. id est xl. solidos. Postea reddebat xx. libras cum toto Hundredo ejusdem villæ. *Durandus* Vicecomes apposuit c. solidos, et *Rogerus* de *Ivrei* lx. solidos, modo adjunctis iii. hund. reddit xxviii. libras de xx^{ti}. in ora.—*Glowecestrescire*, p. 162.

Evesham Domesday.

Tempore Regis *Eadwardi* erant in civitate *Glocestricæ* ccc. burgenses in dominio reddentes xviii. li. et x. sol. de gablo per annum.

Ex his sunt centum, tribus minus, *residentes in propria hereditate*, et centum, tribus minus, manentes in emptis mansionibus, Francigenæ et Anglici, quæ valent x. li. per annum, et has tenuerunt per duodecim annos, hoc est, sexties xx. li. Ex* infra castellum manserunt de his trecentis, viginti quatuor. Et quatuor viginti et ii. mansiones sunt wastæ.

Archiepiscopus *Ebor'* habet in eadem civitate lx. burgenses. Episcopus *Samson*, vi. Abbas ejusdem civitatis lii. Et exceptis hiis, *Stanborc* i. mansionem habet, *Derherst* xxxvi. Abbas *Evesham'* iiij. Abbas *Persore* i. Comes *Hugo Cestricæ* xiii. *Robertus* filius *Hamonis* xxii. *Hugo de Laceio* xxviii.

Bertonæ Regis pertinent xxiii. *Berchelai* iii.

Walt. de Glocestricæ xv. *Hugo Asinus* ii. *Walterus* filius *Ricardi* ii. *Radulphus Bloiet* vi. *Horseleia* i. *Wulmarus* i. *Ascelinus de Tateberia* v. *W. de Saio* i. *Willielmus* filius *Badder'* xvii. *Hamelinus de Badelun* i. *Henricus* Comes i. *W. de Mannavilla* vi. *Patricius de Cahorc'* vi. *Gislebertus de Cennomannia* i.

Et super omnes istos habet Rex saccam et soccam. Et x. Ecclesiæ sunt in socha Regis propria.

Tempore *Rogeri* Vicecomitis reddebant de firma xxxviii. li. et iii. sol. Modo reddunt xlvi. li. et *Walterus* Vicecomes habuit lxiiij. sol. de rogatu et Præpositus xl. Civitas vero pejorata est de lx. li.—(p. 53.)

In *Wincelcumbe* Burgo. In dominio R. E. erant lx. Burgenses reddentes xli. sol. de gablo per annum. De his sunt lii. in *hereditate sua manentes*, et octo habent alii Burgenses quæ valent per annum xxx sol., hoc est xxii. li. et x. sol. per xv. ann.

Præter hoc Abbas habet in eo xl. Burgenses. Et Abbas *Evesham* ii. Episcopus

* Probably a mistake for Et.

The great cities of London and Winchester are not included in the Exchequer Domesday. Henry I. wished to ascertain what "*Landgable*," or rents, were due to him in the last-mentioned capital, such as the citizens were accustomed to render in the days of King Edward. For this purpose a Jury was impanelled, consisting of eighty-six of the best Burgesses of Winchester, who made their perambulation in the presence of William Giffard¹⁴, the Bishop of the See, and other Royal Commissioners¹⁵.

"*Liber Winton.*," or Surveys of the City of Winchester, in the reign of Hen. I.

The returns thus obtained, and which constitute the "*Liber Winton.*" throw great light upon the occupancy of an Anglo-Saxon city, though they do not afford any information respecting its government. In the same MS. we find another survey of the city, taken in 1148, furnishing curious means of comparison with the earlier survey, but less ample in its details.

The pattern set by Domesday, was partially followed by Hugh Pudsey, Bishop of Durham, who, in 1183, caused a minute and accurate survey to be made of the rents and customs due from his demesnes in St. Cuthbert's franchise.

"*Boldon Book*," as the record is called, does not include the military tenures, or Knights'-fees of the Bishopric, but the

Boldon Book, a Domesday Survey of the Bishopric of Durham, by Bishop Pudsey, 1183.

*Hereford** *Derherst* ii. *Hugo Asinus* i. *Langaberga* iii. *Robertus filius Haimonis* v. *Turstinus de Cormeil'* ii. et unum molendinum. *Heroldus* x. et ii. molendina. *Robertus de Belhismo* iii. *Walterus de Walerico* et *Hugo de Laceio* i. *Robertus de Ferreriis* ii. *Hugo de Ham* i. *Ricardus de Solariis* i. *Radulphus de Salceto* iii. *Willielmus Guiz* iii. *Robertus de Lacei* i. *W. Froisselupum* i.

Et super omnes istos Rex habet suum geldum. Tempore *Rogeri* Vicecomitis redd. x. li. et modo xxi. li. num. et Vicecomes habuit de rogatu xii. sol.—(p. 55.)

¹⁴ Consecrated 1107—died 1128.

¹⁵ "*Henricus* Rex volens scire quid Rex *Edwardus* habuit omnibus modis *Wintoniæ* in suo dominico; Burgensium suorum sacramento, hoc comprobari jussit. Volebat enim illud inde penitus habere. † Sed Rex *Edwardus* suo tempore inde habuit: hoc igitur sacramentum factum fuit de quat. viginti et vi. Burgensibus melioribus *Wintoniæ*, præsentem *Willielmo* Episcopo et *Herberto* Camerario et *Radulpho Basset* et *Goisfrido Ridel*, et *Willielmo de Pontearchar*: hoc autem Burgenses, peracto sacramento, a porta orientali ceperunt inquirere ethergingis."—*Liber Winton.*, p. 531.

services of the Sockmen and Villainage are fully set forth, with details which render the *Boldon Book* one of the most curious records of the class to which it belongs.

Shaftesbury Survey.

A general survey of the possessions of the Monastery of Shaftesbury is extant¹⁶, made perhaps at an earlier period in the reign of Henry II. than the *Boldon Book* of Durham. The names of the Villains or Churls therein enumerated, are almost wholly Anglo-Saxon: the population was unchanged. In Domesday, we have merely the number and designation of the Villains who were appurtenant to the different manors. In the Shaftesbury survey, their services are described with great minuteness; and the document is one of the most valuable links of evidence in our territorial history. The regular series of our Records begins with John: and the Shaftesbury survey connects the Common Law period with the Anglo-Saxon age.

Extent of North Wales,
26 Ed. III.

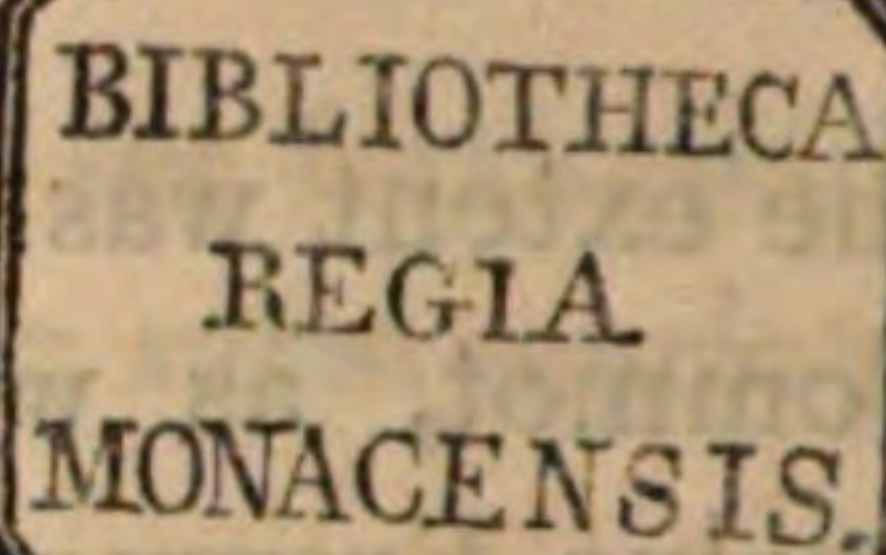
Other records of the same description might be enumerated; but I shall conclude these observations by noticing the "Extent of North Wales"¹⁷, the most recent of these surveys, but the one which approaches most closely to the original prototype. The Earl of Arundel being Justice of North Wales (26 Ed. III.),

¹⁶ In the Shaftesbury Register or Lieger-Book. Bib. Harl. No. 61.

¹⁷ Bib. Harl. 626. This volume, composed of records relating to the Principality, appears, from a memorandum prefixed, to have been anciently preserved amongst the muniments of the Court of Wards. The original inquisitions, which were deposited in the Exchequer at Caernarvon, have been long since lost; and the present volume is said (*Cymmrodorion Transactions*, I. 337) to have been transcribed, with some others of the same nature, by Sir William Griffith, of Penrhyn, who was Chamberlain of North Wales in the reign of Elizabeth.

The edition of Domesday, published pursuant to the address of the House of Lords, is well known. The valuable introductory Dissertation by Mr. Ellis, compiled by authority of the Record Commission, appeared, together with the Indices of Places, and Tenants in Capite, in 1816. At the same time were published the "Additamenta," containing the Exon Domesday, the Inquisitio Eliensis, the Liber Winton., and Boldon Book. The other Surveys are yet inedited; but a translation of so much of the "Extent of North Wales" as refers to the County of Anglesea, is published in the *Transactions of the Cymmrodorion* (I. p. 336.)

the extent was taken by the oaths of all the tenants of every Commot, as well free as bond, and afterwards examined by twelve Freemen of each Commot, impannelled as a Jury. The inquisitions of the Jury form the "Extent." Every Township or "*Tref*" is entered as a distinct head. The tenures, rents, and services are described by their British names: and, with the exception of the substitution of pecuniary commutations for certain personal liabilities, the legal claims of the Black Prince were bounded by the prerogatives of the last native Sovereign of Aberfraw.



CONSERVANCY OF THE PEACE.

Conservancy of the Peace, its relation to Parliament. Conservators appointed in Simon de Montfort's Parliament.—1264.

(405, 407.)

THE Keepers of the Peace under Simon de Montfort's commission were to be appointed "donec per nos et barones nostros de statu Regni nostri aliter fuerit ordinatum." The future regulations for the conservancy of the Peace,—a wide term when employed by a revolutionary government,—would be included amongst the affairs for which the Knights of the Shire would be returned. "Et quia instanti Parlamento nostro de negotiis nostris et regni nostri cum Prælati, Magnatibus, et aliis Fidelibus nostris tractare necessariò nos oportebit: Vobis mandamus quatinus quatuor de legalioribus et discretioribus militibus dicti comitatûs, per assensum ejusdem Comitatus ad hoc electos, ad nos pro toto comitatu illo mittatis: ita quod sint ad nos London in octabis instantis festi Sanctæ Trinitatis ad ultimum, nobiscum tractaturi de negotiis prædictis. Vos autem in hiis omnibus exequendis tam fideliter et diligenter vos habeatis, ne per negligentiam vestri ad vos et vestra graviter capere debeamus." (Fœdera, Vol. I. p. 442.)

The following are the names of the Conservators:—

*Adam de Novo-Mercato (<i>Lincoln.</i>)	Robertus de Stradely (<i>Nots.</i>)
*Ricardus de Tany (<i>Essex & Hertford.</i>)	Ricardus de Vernon (<i>Derby.</i>)
*Johannes de Eyvill (<i>York.</i>)	*Johannes filius Johannis (<i>Bucks.</i>)
Willielmus de Bovill (<i>Suffolk.</i>)	Walterus de Beauchamp de Chalvestern (<i>Bedf.</i>)
*Johannes de Burgo (<i>Norfolk.</i>)	Gilbertus de Ellesfeud (<i>Oxon.</i>)
*Egidius de Argentein (<i>Cambridge.</i>)	Robertus filius Nigelli (<i>Berks.</i>)
*Henricus Engaine (<i>Hunt.</i>)	*Johannes de Plessetis (<i>Northumb.</i>)
*Willielmus le Marescall (<i>Northampt.</i>)	*Thomas de Muleton (<i>Cumb.</i>)
Godefridus de Escudemor (<i>Wilts.</i>)	*Johannes de Moreville (<i>Westmorl.</i>)
*Johan. de Sancto Walerico (<i>Southampt.</i>)	Brianus de Gowiz (<i>Somers.</i>)
Willielmus de Tracy (<i>Gloucester.</i>)	*Oliverus de Dynant (<i>Devon.</i>)
*Radulphus Basset de Sapecote (<i>Leicester</i>)	*Radulphus Basset de Drayton (<i>Salop and Staff.</i>)
*Thomas de Estleys (<i>Warr.</i>)	

Of these, all marked thus (*), or their representatives, were

summoned amongst the Baronage; and the others are members of ancient baronial families.

In the Parliaments of the 18th Ed. I., and subsequent years, a connexion between the representation of the Shire and the conservancy of the Peace is plainly apparent, as will appear from the abstract subjoined¹.

CONSERVATORS, 15 EDW. I.

KNIGHTS OF THE SHIRE.

<i>Bedford</i>	Johannes de Pabeham. Thomas de Norwod.	Johannes de Pabenham. (<i>Bedford</i> —25, 33 Ed. I.)
<i>Berks</i>	Adam de Brinton. Johannes Banastr'. Gerardus de Insula. Bartholomeus de Erlye.	Adam de Brumton. (<i>Berks</i> —28 Ed. I.) Bartholomeus de Erle. (<i>Berks</i> —25 Ed. I.)
<i>Bucks</i>	Robertus Barre. Reginaldus de Bello Campo. Johannes Neirnit.	Reginaldus de Bello Campo. (<i>Bucks</i> —18 Ed. I.) Johannes Neirnit. (<i>Bucks</i> —33 Ed. I.)
<i>Cambridge</i>	Alanus le Fraunceys. Henricus de Lacy.	Alanus le Fraunceys. (<i>Cambridge</i> —18 Ed. I.) Henricus de Lacy. (<i>Cambridge</i> —18 Ed. I.)
<i>Cornwall</i>	Johannes de Alet. Reginaldus de Bovill'. Johannes Treiagu.	Reginaldus de Bovill'. (<i>Cornwall</i> —24, 25, 26, 29, 34 Ed. I.) Johannes Treiagu. (<i>Cornwall</i> —35 Ed. I.)
<i>Cumberland</i>	Thomas de Newton. Hubertus de Multon. Walterus de Mulcastr'.	Hubertus de Multon. (<i>Cumberland</i> —18 & 24 Ed. I.) Walterus de Mulcastr'. (<i>Cumberland</i> —18 Ed. I.)
<i>Derby</i>	Egidius de Menill. Thomas Tuchet. Willielmus de Menill.	Egidius de Meynill, Meynhill. (<i>Derby</i> —24, 34 Ed. I.)
<i>Devonshire</i>	Willielmus de Alba Marl'. Regin'. de Ferrarijs. Henricus de Raleigh.	Reginaldus de Ferrers. (<i>Devon</i> —28 Ed. I.) Henricus de Raleigh. (<i>Devon</i> —25, 29 Ed. I.)
<i>Dorsetshire</i>	Petrus de Bosco. Ricardus de Havering.	Petrus de Bosco. (<i>Dorset</i> —18 Ed. I.) Ricardus de Havering. (<i>Dorset</i> —18, 34 Ed. I.)
<i>Gloucestershire</i>	Radulphus de Wylington. Johannes de Acton. Robertus de Meysy.	Johannes de Acton. (<i>Heref.</i> —28, 29 Ed. I. <i>Glouc.</i> —29 Ed. I.)
<i>Hertford</i>	Willielmus Ate. Johannes filius Simonis.	Willielmus de Aete. (<i>Hertford</i> —18 Ed. I.) Johannes filius Simonis. (<i>Hertford</i> —18, 24 Ed. I.)
<i>Huntingdon</i>	Radulphus de Rastell. Johannes de Drayton.	Johannes de Drayton. (<i>Huntingdon</i> —18 Ed. I.)
<i>Lancashire</i>	Robertus de Haverington. Johannes Byron. Robertus de Holand.	Robertus de Haveryngtone. (<i>Cumberland</i> —24 Ed. I.)
<i>Lincolnshire</i>	Radūs de Sancto Laudo. Johannes Gobaud. Robertus de Horbling. Thomas de Burgham. Ranulphus de Rye. Johannes Dyne.	Johannes Dyne. (<i>Lincoln</i> —18 Ed. I.)

¹ See Parliamentary Writs, Vol. I., Alphabetical Digest.

CONSERVATORS, 15 EDW. I.		KNIGHTS OF THE SHIRE.	
<i>Middlesex</i>	Willielmus de Brok. Rogerus de Bacheford.	Willielmus de Brok.	(<i>Middlesex</i> —24, 30 Ed. I.)
<i>Norfolk</i>	Fulco Baynard. Willielmus de Gynney. Thomas de Begevill.	Fulco Baynard.	(<i>Norfolk</i> —25 Ed. I.)
<i>Northumberland</i>	Willielmus Herun. Michael de Rye.	Willielmus Heyron.	(<i>Northumberland</i> —18 Ed. I.)
<i>Nottingham</i>	Ricardus de Bingham. Walterus Tuke. Gerardus de Hedon.	Ricardus de Bingham.	(<i>Nottingham</i> —26 Ed. I.)
<i>Oxfordshire</i>	Johannes de Clift. Henricus de Bruilly. Ricardus de Willamescote. Alanus filius Roaldi.	Henricus de Brüyli. Ricardus de Wyllamescot.	(<i>Oxford</i> —25, 26 Ed. I.) (<i>Oxford</i> —18 Ed. I.)
<i>Rutland</i>	Theobaldus de Nevill. Willielmus Murdak.	Theobaldus de Nevill. Willielmus Murdak.	(<i>Rutland</i> —33 Ed. I.) (<i>Northampton</i> —24, 25 Ed. I.)
<i>Shropshire</i>	Johannes filius Aeri. Willielmus de Hodenet.	Johannes filius Aeri. Willielmus de Hodenet.	(<i>Salop</i> —18 Ed. I.) (<i>Salop</i> —18 Ed. I.)
<i>Stafford</i>	Willielmus de Staff'. Johannes Giffard. Willielmus de Mere.	Willielmus de Staff'. Willielmus de Mere.	(<i>Stafford</i> —18, 26, 34 Ed. I.) (<i>Stafford</i> —18, 34 Ed. I.)
<i>Surrey</i>	Johannes de Abernoun. Willielmus Amesas.	Johannes de Abernoun. Willielmus Ambesaz.	(<i>Surrey</i> —25, 26 Ed. I.) (<i>Surrey</i> —18, 24, 25 Ed. I.)
<i>Sussex</i>	Willielmus de Echingham. Hamo Boueyt.	Willielmus de Etchingham. Hamo Bovet.	(<i>Sussex</i> —33 Ed. I.) (<i>Sussex</i> —22 Ed. I.)
<i>Westmoreland</i>	Willielmus de Stirkeland. Robertus le Engleys.	Willielmus de Stirkeland. Robertus le Engleys.	(<i>Westmoreland</i> —18 Ed. I.) (<i>Westmoreland</i> —24 Ed. I.)

I quite admit that, *after* the House of Commons, in its present shape, became a permanent branch of the High Court of Parliament, the connexion which continued (and still continues) between the two functions of Parliamentary Knights and Conservators, was merely a connexion of station. It then only implied that the Keepers of the Peace were the most influential persons in their Shires: and, as such, chosen for Parliamentary Representatives. All that I have proposed to prove is, that it was *partly* by means of their duties as Conservators of the Peace, that the Knights of the Shire were *first* conducted into Parliament. The powers of conservancy are not, according to my theory, to be considered as the sole cause of Parliamentary representation, but as *one* of the elements which have entered into its composition.



Palgrave, Francis,

The rise and progress of the English Commonwealth Anglo-Saxon period
containing the Anglo-Saxon policy, and the institutions arising out of
laws and usages which prevailed before the conquest
Bd.: 2

London 1832

4 Brit. 88 g-2

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